

In the Gap between Legality and Legitimacy

Illegal Hunting in Sweden as a Crime of Dissent

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Abstract

It may be challenging to see how illegal hunting, a crime that ostensibly proceeds as *shoot, shovel and shut up* in remote rural communities, at all communicates with the regime. Examining the socio-legal interplay between hunters and state regulation, however, clarifies illegal hunting to be part of a politically motivated pattern of dissent that signals hunters' disenfranchisement from the polity. While few contemporary illegal hunters cut conscientious figures like Robin Hood, their violation of illegitimate law may likewise testify to a profound disjuncture between legality and legitimacy.

This is the premise taken in the following research. Here it is observed contemporary Swedish hunters experience the deliberative system pertaining to wildlife and wolf conservation to be systematically stacked against them and unable to serve as a site for critical law-making that provides equal uptake of all voices. One manifestation of their growing disenfranchisement is the establishment of a *counterpublic* mobilised on the basis of shared semantics for the sorts of deliberative deficits they argue befall them in the present. Within the remit of their counterpublic, hunters undertake and justify illegal hunting along with other forms of disengaging dissent like abstentions, non-compliance, boycotts and conscientious refusals with state agencies.

The research captures hunters' dissent in Smith's *deliberative disobedience*, a deliberative and Habermasian grounded reinterpretation of the more familiar classical theory of *civil disobedience*. On this perspective, illegal hunting signals a deficit in the deliberative system, which hunters both bypass by taking an alternative conduit for contestation, and draw attention to when they undertake dissent. The dissent in this case study is deconstructed in terms of its grammar—as simultaneously engaging and disengaging with the premises of power—and in terms of its communicative content. Set within the field of *Environmental Communication*, the dissertation is intended as an empirical and theoretical contribution to a discussion on the boundaries of political dialogue in the context of civic disenfranchisement: it asks whether some of hunters' dissent may be parsed as a call for a more inclusive debate, or as dialogic acts in themselves. Finally, it presents ways toward short-term and longer-term reconciliation of hunters with the deliberative system, drawing on the work of contestatory citizen mini-publics from the third wave of deliberative democracy.

Keywords: deliberative disobedience; dissent; critical theory; hunting; wildlife; communication

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Abbreviations

APU	Anti-Poaching Unit
CAB	County Administrative Board
BFN	Between Facts and Norms (book by Habermas, 1996)
EC	Environmental Communication
ENGO	Environmental Non-Governmental Organisation
EU	European Union
GMD	Game Management Delegation
GYBS	Favourable Conservation Status (Gynnsam Bevarandestatus)
IUCN	International Union for Conservation of Nature
JRF	Jägarnas Riksförbund (National Hunters' Association)
MMA	Moose Management Area
NIMBY	Not In My Backyard
SEPA	Swedish Environmental Protection Agency
SJF	Svenska Jägareförbundet (Swedish Hunting Association)
TCA	Theory of Communicative Action (book by Habermas, 1984)

PART I: RESEARCH FRAMEWORK

1 Introduction

1.1 Illegal Hunting

Illegal hunting refers to the unlawful take of wildlife, including the use of illegal methods of killing, persecuting or stalking protected animals, and harvesting game outside of open season (Eliason, 1999; Musgrave & Wolok, 1993).¹ It is somewhat worrisome that in Sweden, we appear to have approximately as many terms for illegal hunting as the Inuit do for snow, as if reflecting its ubiquity: *tjuvjakt*, *olaga jakt*, *olovlig jakt*, *olaglig jakt*, *åsanissejakt*, *illegal jakt*, *jaktbrott*, *jaktoaktsamhet* and *krypskytte* (von Essen *et al.*, 2014a). These terms admit of degrees and some, like *oaksamhet*, refer to misconduct better parsed as recklessness or negligence, while *tjuvjakt* arguably evokes imagery of a stronger brand of criminality like ivory hunting poachers armed to the teeth on the Serengeti. The English language is comparatively impoverished in regard to illegal hunting and has to contend with the more pejorative term *poaching* to cover a wide swath of diverse hunting offenses.

I prefer illegal hunting to poaching as the latter term originates from the English word *pocchen*, which means to enclose something in a bag. The term poaching thus has a material element that obscures those hunting crimes that involve the defence of one's livestock against carnivores, or which serve mainly as statements of dissent. Consider, for example, killing a protected species and leaving its carcass in protest for game wardens to find, without harvesting its meat or body parts (de Pinho *et al.*, 2014).

Of course, this is scarcely the *modus operandi* of the majority of illegal hunting, which is usually undertaken because it confers direct material gain to the hunter (Muth & Bowe, 1998; Eliason, 1999). Thankfully to analysts studying the phenomenon, the basic content of illegal hunting manifests

¹ Indeed, 'taking' often encompasses: harming, harassing, hunting, shooting, killing, trapping, capturing and collecting (Hill, 1993).

relatively consistent motivations across various historical and global contexts (von Essen *et al.*, 2016) – although the motivations are certainly numerous. Illegal hunting has, among other things, been examined by previous research as a unique brand of a so-called camouflage-collar crime (Crow *et al.*, 2013); a folk crime (White, 2016; Forsyth & Marckese, 1993); a livelihood or scavenging crime of the poor (MacDonald, 2005; Jones, 1979); a trophy-driven recreational pursuit by the elite (Braden, 2015) and a commercially driven enterprise (Wall & McClanahan, 2015; Pires & Clarke, 2012; Wright, 2011). At any one time, then, illegal hunting may be normalised as a way of life (Forsyth & Marckese, 1993) or celebrated as resistance fighters going up against an unjust regulatory regime (White, 2016; Pohja-Mykrä & Kurki, 2014); condemned as the work of backward slob hunters (Wall & McClanahan, 2015) or hushed up but implicitly known to all take place (Braden, 2015). The perhaps seminal illegal hunter is Robin Hood, whose rationale for breaking hunting law was one of redistributive justice against the landed gentry of England who turned *res nullius* of wildlife into the private property of lords through enclosures in the Middle Ages (Thompson, 1975).

The Robin Hood example is not as quaint as it may first appear. Enclosure of wildlife need not always be physically coded in the landscape, but can denote various ways of using the law to move access to the commons (wildlife) away from parts of the public (Clausen, 2016). The landed elite with control of wildlife that one illegally hunts has similarly taken various guises over the years and across global settings: as landowning gentry of the Middle Ages privatising game before commoners, to the internationally powerfully bio-conservation advocates seen by many hunters today to appropriate wildlife for conservation purposes (Brownlow, 2000). Regardless of whom the enclosure is for, restrictive regulation has always been perforated by illegal hunters who bend, disregard or contest the rules they consider to be illegitimate or unjust.

1.2 Previous Research

When previous literature has unpacked the complex phenomenon of illegal hunting, it has generally proceeded by a one-sided focus on offenders. The classical criminologist seeks to parse the individual's law-breaking in terms of maximisation of utility. The broader context or social milieu around the offender is arguably only considered insofar as it provides calculable opportunity, deterrent, risk, benefit or any other rational choice for the illegal hunter. A plethora of criminological frameworks have arisen in recent years that sharpen this lens, using data modelling like CRAVED, VIVA, MIST, crime pattern theory, and routine activity approach to explain and deter illegal

hunters (Pires & Clarke, 2012). Although some admittedly transcend the preoccupation with the hyper-rational inner-workings of the mind of the individual offender, toward focusing more on changing global markets of demand and lucrativeness of wildlife crime and trafficking (Chen, 2016), they have equally tended to restrict their analyses to mainly quantitative assessments of the decision to break the law: is it cost-effective?

Regardless of whether they operate with micro- or macroeconomic crime prediction, this instrumental perspective has imparted a depoliticising common crime take on illegal hunting (Theodossopoulos, 2014). It is an iteration that continues to be promulgated by practitioners, law enforcement and many researchers. A corollary of this perspective is that criminology has hitherto overwhelmingly relegated hunters to economically-motivated criminals to be deterred through increasing criminal sanctions or financial incentives to conserve poaching-prone wildlife species (e.g. von Essen & Allen, 2015; Eliason, 2011; Nurse, 2011; Messer, 2010; Sethi & Hilborn, 2008).

The failures of applying deterrence approaches to illegal hunting are spattered in blood across historical epochs and contemporary wildlife conservation schemes. Harsher sentencing has typically precipitated violent retaliation by hunters, including the systematic defiance practiced by poachers against the anti-poaching Black Act in 18th and 19th century Britain (Archer, 1999); and the escalating militarised poaching wars in sub-Saharan Africa following shoot-on-sight policies to illegal hunters in the present (Messer, 2010). Part of the reason for this development is the instrumental perspective's failure to account for more complex social reality behind the decision to break the law. This may have a *normative* rather than purely *instrumental* rationale (Boonstra & Bach Dang, 2010; Gezelius, 2002; Kuperan & Sutinen, 1998). By this is meant individuals take into account social norms and legitimacy of laws and *law-making* above cost-benefit calculations of risk and reward (von Essen *et al.*, 2014a). As Kuperan and Sutinen (1998) show, people often obey the law even in cases where cost-benefit analyses clearly indicate they would maximise their utility by breaking it. The deterrence perspective also fails to offer a satisfactory explanation as to how the zealotry of hunters' poaching could mystically *increase* in the face of harsher criminal sanctions.

Thankfully, the *normative* perspective on illegal hunting ameliorates such accounts. It concerns the legitimacy of law. It is this perspective in which this dissertation places illegal hunting. This normative perspective examines, *inter alia*, the degree to which wildlife laws correspond to tradition and custom, to hunters' internalised norms, and the extent to which hunters have been 'heard' in the enactment of wildlife policy. It operates from the premise that the decision to break the law is socially and politically – rather than economically

– conditioned. The normative perspective is a broad umbrella term that I use to refer to a host of sociologically or politically grounded theories that seek to explain and mitigate illegal hunting by appeal to the role of values and norms, whether through the provisions of neutralisation theory (Matza & Sykes, 1961); subculture theory (Brymer, 1991); political legitimacy (von Essen *et al.*, 2015a); political ecology (Mariki *et al.*, 2015); social justice (Thompson, 1975); theories of resistance (Holmes, 2016) or through ethnographic studies of wildlife and hunting ethics and norms (Kahler *et al.*, 2013).

Without the necessary space to do them all justice here, they can be broadly summarised as problematising the interplay between illegal hunting and the regulatory regime on the one hand, and between illegal hunting and the public on the other hand. That is, they examine the socio-legal interaction between the governed and government, revealing junctures at which hunters distrust and even denunciate the law. But they also look at the place of hunters in the public sphere at any one time. This includes problematising how taken-for-granted customs become challenged by an evolving public consensus on the scope of our ethical obligations toward wildlife, and new conceptualisations on the part of a growing urban public of what the rural landscape should look like and provide in postmodernity,² where hunting is not generally part of this picture. On this perspective, illegal hunting is embroiled in resentment over loss of way of life and identity, disenfranchisement by the state, and as a result of hunting communities' increased enclaving from outsiders in discourses of defensive localism over losing control of their landscape (Enticott, 2011).

By accepting the basic premise of the normative perspective, this dissertation can hence move to *repoliticise* and *depathologise* illegal hunting, seeing it instead as an expression, in part, of defective background conditions in the polity concerning how one arrives at policy and provides recognition to hunters as a group in modern society. It means rescuing some acts of illegal hunting from the private domain of criminality to regarding them as political actions. On this normative premise, I posit that illegal hunting may say something about the socio-political and legal context in which the animal was unlawfully killed. At its simplest level, its occurrence may testify to substantive inequalities in the distribution of wildlife 'goods' and 'bads' (Hermans, 2015); why should our village bear the costs of lion conservation for the benefit of urban citizens, or ENGOs on another continent?

² Increasingly this seems to be a post-productivist countryside with limited tolerance of consumptive outtakes of game that could meet other needs, such as recreational, aesthetic or biodiversity. The turn has been criticised for turning the rural landscape into a playground for tourists or dumping grounds for environmental schemes (see Epp & Whitson, 2001).

But on a deeper level of analysis, illegal hunting may also signal a more intractable disjuncture between law and legitimacy in society, on the understanding laws need to resonate with, and be undergirded by, affected citizens and their values. That is, illegal hunting as dissent may be practiced as much against the *ways* in which wildlife policy is enacted as against their content (e.g. in von Essen *et al.*, 2015a; Dobson & Lynes, 2008; Woodroffe, 2000). Their imposition is seen as patronising and unjustified to hunters. This is especially true of developed democracies where any hunting communities subject to conservation directives will still be relatively well-off economically, unlike the peasants under Robin Hood; or where public participation channels are seemingly in place for wildlife management, like in the Nordic countries. Hunting law transgressions within developed democracies may then reflect contestation or denunciation of a legitimacy deficit in the deliberative system that comes to enact wildlife management and policy, rather than a protest of an altogether *absent* system. Recognising this baseline of fundamental rights in place, the focus of this dissertation is on the deliberative deficit that currently prevents hunters from experiencing the legitimacy of wildlife law.

1.3 Case Context

That the co-optation of state allocative and coercive powers by a bio-conservation elite restricts the available space in the deliberative system in which hunters, farmers, ranchers and shepherds can influence policy is now a remarkably common critique of supranational conservation policy in general, and EU conservation directives in particular (Masius & Sprenger, 2015; Pohja-Mykrä & Kurki, 2014). To be sure, hunters show opposition also toward the *subject* of the Habitats Directive as much as to the purportedly colonised spaces for discussion around its management: large carnivores and, in particular, toward reintroduced wolves which are now accorded strict protective status under Annex VI in most member states. From having been extirpated in Sweden in the late 1800s and early 1900s, some 450 wolves now inhabit the country,³ the bulk of which reside in ‘wolf-counties’ like Värmland, Dalarna, Gävleborg and Närke. Wolves compete with hunters over game animals which are rapidly declining in these areas, but also predate on livestock and kill hunting dogs they come upon (Peltola & Heikkilä, 2016).

The EU Habitats Directive may be said to have, on a political level, affected an intricate combination of concerns over material grievances on the part of rural residents, livestock farmers and hunters, as well as grievances with these

³ The Swedish Environmental Protection Agency estimates the number of wolves is now lower than 400 (SEPA, Rovdjursinventeringen, 2016), but the actual number is highly disputed

groups' inadequate involvement in policy-making when compared to conservationist interests (on the interaction of the material and immaterial in human-wildlife conflicts, see Peterson *et al.*, 2010). A consequence of this policy has thus been these citizens, sometimes in collectives united in anger and solidarity, turn away from authorities and take the law into their own hands to remedy the situation, enact change, or voice frustration (as explored in Lühtrath & Schraml, 2015; Pohja-Mykrä & Kurki, 2014; Vitali, 2014; Mischi, 2013; Bell *et al.*, 2007).

In the Nordic countries, dissatisfaction around the Habitats Directive is especially palpable; hunters' attitudes toward wolves are overwhelmingly negative and show few signs of letting up (Sandström *et al.*, 2014; Ericsson *et al.*, 2013); faith in institutions overseeing their conservation is at an all-time low (Kagervall *et al.*, 2012); it has polarised the urban-rural; and hunters are weary over not being heard for policy decisions or, worse, being heard and then overruled at other stages in the deliberative system (von Essen & Allen, 2016a; Skogen *et al.*, 2013); they frequently seek 'exit doors' (Tew, 2006) from engagement with authorities by non-cooperation and non-compliance.

The theatre in which this polemic is lived out now fairly expansive. Apart from hunters' formal political dissent (as in associations and political parties like *Landsbygdspartiet*, *Naturbrukarna*, *Jägarförbundet Rädda Jakten*, to name but a few⁴), I posit Swedish hunters also voice their dissatisfaction in a counterpublic sphere of society of their own making (von Essen *et al.*, 2015a). Significantly, the counterpublic forms a radicalising and supporting milieu also for the illegal hunting of protected wolves as a more serious expression of dissent. It is serious in that illegal outtakes from the Swedish-Norwegian wolf population now pose a direct threat to its ecological viability (Pyka *et al.*, 2007). It is estimated that somewhere between ten to up to thirty percent of wolves in Sweden are illegally killed (Liberg *et al.*, 2012). Rural communities increasingly sympathise with and protect illegal hunters by a code of silence, as they too bear the costs of wolf conservation and experience ostracisation by the state over lack of uptake (Pohja-Mykrä & Kurki, 2014; Peltola *et al.*, 2013).

To be sure, other large carnivores protected under the Habitats Directive also suffer illegal outtakes because of their frequent predation on livestock; including bear, lynx, eagle and wolverine in the north of Sweden (for the most recent estimates see: Rauset *et al.*, 2016). For some reason, however (perhaps because unlike the other large carnivores, the wolf is strictly protected), it is principally the wolf that incurs the greatest resentment on the one hand, and the loudest public outcry on the other hand. Its illegal killings, I will argue,

⁴ In the most recent political convention, the initiative 'Egendomligt' has also launched a platform from Naturbrukarna to emphasise rural property rights against an urban agenda.

publicise the depths of hunters' disenfranchisement with conservation policy and with the deliberative system around such policy-making.

1.4 Illegal Hunting as Politics?

On this perspective, taking the law into one's own hands as means of contesting the way wolves have become protected is, then, a partly political act of dissent. It can be noted a number of symbolic and semi-ritualistic hunting crimes across the world presently proceed along protest dimensions. For example, when hundreds of French hunters gather outside of hunting season to illegally shoot protected birds in the Brière marshes to protest a recent EU conservation directive (and afterwards donating the birds to hospitals and elderly homes, see Mischi, 2013); when villagers in conflict with national ministries for natural resources in Tanzania drive six elephants off a cliff without harvesting any ivory (Mariki *et al.*, 2015); when a wolf is decapitated in Germany and left for recreationists to find (Berliner Morgenpost, 2014); when a radio collar or set of paws from a dead wolf is delivered to the Swedish Environmental Protection Agency (Hagstedt & Korsell, 2012); or when Finnish hunters publically admit to killing protected wolves because they emphatically disagree with the laws that enacted their protection (von Essen *et al.*, 2015a), dissenters almost take on connotations of social bandits protesting injustices from oppressive state laws (Hobsbawm, 1965).

The outright social banditism perspective is inveigling, however, as few acts of illegal hunting present such easy analysis as dissent. Most follow the logic of 'shoot, shovel and shut up' (as coined by Liberg *et al.*, 2012). This is true at least of Sweden's brand of illegal hunting, in which wolves are generally quietly incapacitated to make life liveable in wolf-dense counties (Hagstedt & Korsell, 2012). This mode makes them difficult to resolve as socio-political crimes that seek to *publicise* anything, which openly call for change, or which otherwise function as acts of redistribution of social or economic justice. For all intents and purposes, such illegal hunting appears as evasive, criminal and firmly located in the private domain – to be responded to with criminal rather than social justice (von Essen *et al.*, 2016). Perhaps this is why, in the context of Swedish hunters illegally killing wolves, the environmental District Attorney has called accordingly for the crackdown and increased penalty on suspected illegal hunters (Hedin & Törnvall, 2015).

This depoliticising criminal justice response to what was and likely remains a socio-politically motivated form of illegal hunting as a symptom of a more intractable legitimacy deficit, is an example of the state's failure to provide opportunities for the kind of deliberative processes that could instead

legitimate laws around the unpopular wolves and their problematic management, instead focusing on stricter sentencing for those that break them (Pettit, 1999a). These deliberative processes must focus on uptake and ‘hearing’ hunters in a new way. As I will show, ‘being heard’ is a complex process of recognition, deliberative participation and effective opportunities for ex-post contestation. It is not, therefore, equivalent to mere inclusion (Pettit, 1999b) or the kind of procedural standards for fair hearing endorsed by liberal democracy – and currently reflected in inadequate stakeholder models of participation on wildlife management (von Essen & Hansen, 2015).

What we need, then, is an analytical approach to both understanding and to mitigating illegal hunting that takes stock of the coherence of present regulation with hunters’ cultural praxis and moral values, and the degree to which effective opportunity exists for undergirding regulation with such values on the one hand, and for contesting laws in deliberative settings on the other hand. In effect, we require a perspective on democratic legitimacy (Levi *et al.*, 2009) to be applied to Swedish wildlife management to discern illegal hunting as a response to a legitimacy deficit in the deliberative system. The deliberative premises on which this research is based holds that given current legitimacy problems in this context and particularly over wolf conservation, which will be ascertained through the subjective lenses of hunters, society can be said to owe hunters uptake as dialogical partners – particularly if and when their illegal hunting functions as an alternative voice for discontentment in the present crisis (von Essen & Allen, 2015), or exit from dialogue altogether.

It raises the question of on what level and in what fora it is most productive to dialogically engage with dissenters: is it during police negotiations, in the judiciary system or should such exercises take place within the political deliberative system? The perspective taken in this dissertation is that it is the political juncture at which engagement needs to be cultivated and provided with a moral-legal scaffold of public deliberation and contestation. That is, where dissent can be aired as constructive deliberative dialogue within a political domain, before it ever materialises as a criminal justice issue compelling penalisation rather than deliberative uptake.

1.5 Understanding Hunting as a Site for Rule-Breaking

To return to the materiality of the case study of this research, the grammar of illegal hunting may be clarified by comparing with violating rules within the rather more prosaic public traffic system. Although not all transgressions here are matters of life-or-death, there is a dimension of public safety and harm to contend with which is not conceptually dissimilar to the case of hunting

offenses. Now, most of us speed, pass in a non-passing zone or purposely make a non-legal turn without signalling every so often. Most of us, however, accept the presence of the rules as a guiding framework for driving our cars and a reasonable cost for our participation in society. We would probably not argue that traffic regulation per se is an illegitimate incursion in our lives.

When we *do* violate some traffic rule, we often do so because we perceive ourselves to be in a *morally* justifiable domain that *de facto* compensates for being outside of the legal domain in that particular moment. To clarify this, we might find ourselves speeding if and when there are no people around to notice or be harmed by our act. Morally speaking, we are likely to cognitively neutralise our offense with an appropriate rationalisation for the wrong-doing, such as denial of crime (“no one was affected by this”), denial of victim (“no one was hurt”) and metaphor of the ledger (“I’m a good person generally”) (e.g. Enticott, 2011; Forsyth *et al.*, 1998; Matza & Sykes, 1961). This enables us to surreptitiously depart from regulation on occasion, provided that we validate our positions in moral or cultural domains. Sometimes, and in certain contexts, these domains have been shown to be even more important than legal rules in determining our conduct (White, 2016; Jones *et al.*, 2008; Mockus, 2003), though thankfully not in the Swedish traffic system.

What this research reveals is that a majority of violations in the contemporary Swedish illegal hunting context are not black-or-white crimes that involve the cold-blooded killing of protected animals to send a political statement. Nor are they the goal-oriented acts of angry mobs of hunters mobilised against the regime. Many transgressions actually proceed along the same logic as traffic violations, where grey areas can be gleaned and where moral and cultural domains step in to validate acts of non-compliance with the law. Some transgressions effectively reify the legitimacy of the regulatory framework by conceding derogation from law must be small and harmless. For example, the kind of rule-bending involved in *shooting a moose fifteen minutes past what the law tells you* does not, to most hunters, signal the wholesale contempt of the regulatory framework any more than running a yellow light signal wholesale denunciation of traffic regulation. Not everything that is illegal is a matter of dissent but, as I will argue, the willingness to depart from formal regulation is also rarely insignificant. There are two critical differences between the two contexts, however, that cannot be overstated.

One is that illegal hunting is rural-based and exceedingly difficult to detect (see Bunnefeld *et al.*, 2013; Crow *et al.*, 2013; Gangaas *et al.*, 2013; Gavin *et al.*, 2010). The absence of rigorous enforcement means discretion is available to the hunter in whether or not he cuts corners, for example as shooting that ten-point buck ten minutes after open season closed with the sunset. The

relative scarcity of law enforcement in the woods means hunters to a greater extent rely on social control and self-reporting – in the form of moral and social guidance for navigating between right and wrongs, through policing of selves and others with sanctions (von Essen & Hansen, 2016; Posewitz, 1994). Formal laws are frequently respected, provided they are grounded in hunting culture and custom, but knowing right from wrong may be subject to conscience and cultural codes of conduct as much, if not more, than any transient law. This is especially so when law is seen to have been unilaterally imposed without due consideration of hunters' interests, values and concerns.

The second major difference to the analogous case of the traffic system is that as contended we fundamentally accept (most) traffic laws. The legitimacy of hunting regulation, by contrast, is becoming more contested at this point. Much hunting regulation is now seen as unfair, corrupt, far removed from rural praxis, compromised by an environmentalist ethos or otherwise falling short of democratic standards in its content (von Essen *et al.*, 2015a). As we find in the Nordic countries, disenfranchised hunters view new laws on protected species as anything from bureaucratic inconveniences to nudge them in line with a bio-conservation agenda, to part of a systematic devastation of the countryside (Lüchtrath & Schraml, 2015; Bisi & Kurki, 2008a). The notion that hunters are now *hunted* by a hegemonic network comprised by the state, the Swedish Environmental Protection Agency, ENGOs and the EU, with regard to their practices, particularly those pertaining to the protected wolf, surface bitterly in this work. They show many Swedish hunters are deeply unsatisfied with the institutions in wolf policy and management and how they treat hunters.

By surveying the breadth of the hunting community in response their disenfranchisement, this research encounters a variety of responses to disenfranchisement. A majority of hunters grudgingly accept regulation; another constituent might be prone to advocate for change through political, legal or conventional channels in the polity; others still might give up on a hunting lifestyle and protest emigrate to the city. All appear to feature in the Nordic context (Krange & Skogen, 2011; Krange & Skogen, 2007).

Nevertheless, the dissertation sees illegal hunting as the most prescient and disquieting manifestation worthy of inquiry, because as far as dissent goes, it proceeds along a mode in which it no longer petitions decision-makers for change in policy or reform of the decision-making system toward the more inclusive or deliberative. It is a noxious form of dissent because it signals citizens turning away from the law and enacting change autonomously. It may thus read as destructive rather than constructive non-compliance (a binary offered by Tsai, 2012, in the context of citizens' dissent), where actions demonstrate contempt of and exit from, rather than fidelity in, law. The degree

to which this is true will be examined in the analysis, along with the political content of illegal hunting as a phenomenon in a deliberative crisis.

1.6 Research Framework

The framework for this dissertation straddles the academic fields of environmental communication, deliberative democracy and an emerging sub-discipline of green criminology, which looks at harms against animals and the environment (e.g. Brisman & South, 2013, and promisingly also crimes of dissent that involve animals as in e.g. Vanderheiden, 2005). Armed with these disciplinary perspectives, the dissertation draws attention, first, to degrees of democratic suboptimality following systematically distorted communication in the deliberative system as seen from the subjective perspective of those experiencing disenfranchisement with decision-making processes. Second, it focuses on disparities between newly enacted laws on wildlife and moral-cultural norms among Swedish hunters; that is, it exposes the nature of the gap between codified law and non-codifiable morality. Third, it examines the forms of dissent that this disjuncture engenders among hunters in their counterpublic.

Within these academic fields, I draw on a trifecta of deliberative democratic theories to provide a conceptual trajectory from ideal premises for dialogue in the public sphere to the sorts of defective conditions for deliberation that now face hunters. These three theories provide the basis for a heuristic reconstruction of the systematic distortions, exclusions and anti-deliberative inertia in the deliberative system: the theory of communicative action (Habermas, 1984), Negt & Kluge's counterpublic critique (1972) and a theory of *deliberative disobedience* (see the work of Smith, 2011, who is originally inspired by Markovitz' democratic disobedience, 2005). The gap between what is legal and what is moral is apprehended in deliberative deficits that result from anti-deliberative inertia, deliberative inequalities, the influence of non-deliberative media on the reason-giving process, and the privileging of hegemonic discourses to distort the process (e.g. Smith, 2011; Markovitz, 2005; Bohman, 2000; Fraser, 1997; Habermas, 1996).

When forced outside of conventional channels for participation around wildlife management, I use *counterpublic* to provide the conceptual enclave for situating acts of dissent by Swedish hunters. The designations of 'conventional', 'formal', and 'official' channels will be used interchangeably in this dissertation to refer to those conduits associated with the electoral part of the deliberative system: representation in political parties and delegations, voting, lobbying and writing letters to politicians (Martin, 1994). By contrast, as I will show, contestation that proceeds *outside* of these channels comprises

acts of dissent and non-compliance with regulation; boycotts, rallies, protest emigration, foot-dragging, conspiracy theories and even personal threats to civil servants. They fall outside of their constitutional mandate by failing to conform to political convention and legality, but also because they stop short of certain criteria of civility, transparency and clarity in their mode of address.

What constitutes conventional politics and dissent is admittedly not always given. It is clear that in some polities, strikes and demonstrations form part of a standard artillery of citizens that scarcely raise eyebrows, but may be genuinely disruptive events in other polities (Martin & Varney, 2003a). For example, much concurrent French protesting toward EU wolf policy routinely involves marching 200 sheep into the Eiffel Tower, where the equivalent dissent in Sweden is beyond the horizon of apparent possibility. Here, as one of my respondents suggest, dissent takes the form of *clenching our fists and ranting to our family in frustration at our kitchen table*, not any organised or confrontational protest. That said, illegal hunting, by most accounts, is not usually regarded politics as usual and therein lies the challenge.

Inasmuch as such dissent can be thought of as taking place in the gap between legality and legitimacy (Thomassen, 2007), the research casts a wide net to capture individuals circulating in and around this gap in present day Sweden, who are knowingly or unknowingly implicated in a climate of dissent through their associations or opinions, or who are sympathetic or complicit to such acts in their milieu. For example, hunters who understand the rationale behind illegal hunting but disagree with the violation (Pohja-Mykrä & Kurki, 2014) or simply those hunters who experience moral and legal dilemmas in relation hunting and the law and criticise its enactment in the present. Research from multiple disciplinary fields contend that the broader climate and peers of individuals are imperative to apprehend, because these ultimately determine the individual's rejection or validation of the legitimacy of an institution and its rules (Berger *et al.*, 1998). Some criminologists have taken it as far as stating radicalising collective semantics of the kind cultivated in counterpublics means the community around criminals must be held responsible for individual crimes (see, for example, Held, 2002, on hate crimes). With this in mind, I examine *counterpublic* as hunters' community, and their illegal hunting and various exit strategies in response to the legitimacy crisis as dissent. The ambition is not to provide a ground-truthing estimate of the crime but to see how it is materialised, made sense of, and neutralised within the hunting community.

1.7 The 'Who', 'How' and 'What' of Dissent

When looking at illegal hunting as a crime of dissent, or indeed at crimes of dissent more generally, one must clarify three basic dimensions before proceeding with an analysis: *who* the dissenters are; *what* the constitutive features of the dissent are; and *to what* one is dissenting. In effect, one must examine the crime of dissent from the point of departure of subjects, modes and objects – or the 'who', 'how' and 'what' of illegal hunting. These three are clarified for this case context in the section that follows.

1.7.1 The Who

First, the 'who' in this research are Swedish hunters, estimated to be around 300,000 Swedish citizens (Swedish Environmental Protection Agency, 2015). The majority of hunters are male but the community is seeing a recent influx of women hunters and younger, urban-based hunters. Hunters' relationship with formal rules enacted by authorities is a complicated one inasmuch as hunting has constituted a comparatively sovereign jurisdiction in regards outside interference, but which is now a domain that is encroached upon through the restriction, bureaucratisation or criminalisation of hunting practices. Indeed, it is not surprising that fundamentally freedom-loving hunters (most seminally observed as such by Ortega y Gasset, 1972, in *Mediations on Hunting*) are so averse to this development. But abiding by the rules set by a non-hunting majority has become all the more important to the upholding of hunting as a legitimate institution in modernity (von Essen & Hansen, 2016). Indeed, because hunting norms are no longer shared by all, but in need of justification before a conservationist and animal rights ethos, hunters occupy a somewhat precarious place in modernity that involves having to continuously defend its practices and negotiate its social legitimacy before an increasingly questioning public (Morris, 2010; Knezevic, 2009; Van de Pitte, 2003; Luke, 1997).

This also means hunters are a vulnerable social group, to whom state responses must show a degree of tact and consideration in its recognition. Injurious schemes of deterrence, for example, risk alienating hunters further toward the periphery of society (Infield & Namara, 2001). This has been true as much for the poaching communities of Victorian England as for outport fringe communities in the present (Okihiro, 1997), who often feel betrayed by the state. Hence, when injurious schemes of punishment or misrecognition befall those hunters, deterrence may be a particularly incendiary response in light of this already experienced stigmatisation and marginalisation by non-hunting and anti-hunting factions (Van de Pitte, 2003; Luke, 1997).

Lastly when it comes to the 'who', I wish to emphasise that dissent is "is per definition relational" (Johansson & Vinthagen, 2015, p. 124). This

commonly calls for an investigation of the so-called movement-from-below as well as the movement-from-above (a relation that is perhaps clearest in the marxist language used by Nilsen, 2013). This research does not, however, explicitly engage with the experiences of conservationists or members of Environmental Non-Governmental Organisations (ENGOS), like the Swedish Predator Association, the Swedish Association for Nature Protection and more, whom hunters readily accuse of having co-opted the coercive powers of the state to advance their agenda over wildlife. The reasons for this are twofold. The first reason is unwillingness on the part of this research to reproduce a recurring problem in dissent studies of *a priori* dividing the population into a social movement-from-above and one from-below, as in Miller's words, "into the powerful and the powerless" (Miller, 1997, p. 32) locked in a battle with each other. This does not obtain in the hunters' context, as their targets and grievances are more diffuse and dynamic. I argue it would be neither analytically constructive nor right for me as a researcher to perpetuate the polarisation that this is a mere two-party conflict that is lived out between two discrete opposing camps of e.g. pro- and anti-wolf activists.

Second and relatedly, the research has not so much located hunters' ire in any one social group or specific entity, but in procedural deficits around law-making. That is not to say hunters themselves are always aware of, let alone clear about, that they are dissenting social structures and systemic deficits rather than fixed groups of people. As I will show, the targets of their dissent frequently conflate, reflecting what may be a genuine amalgam of unjust laws, unfair procedures and third party powers that are perceived to usurp the functioning of the state. In any case, as I will shortly show under 'the what', it is the configuration of the deliberative system in its entirety.

1.7.2 The How

The principal grammar of illegal hunting as a crime of dissent is that the 'how' is lived out in a dual character. It is at once engaging and disengaging in its action. That is, it may more or less actively call attention to injustices and seek substantive or procedural changes in policy on the one hand. This corresponds to a conventionally offered definition of dissent as subversive action (Hollander & Einwohner, 2004). But on the other hand, it may also involve *turning away* from public interference in one's private affairs by ostensibly terminating dialogue with society. Scholars on the disobedience side of dissent have usually resolved this duality by demarcating public-minded civil disobedience from private acts of conscientious objection (Rawls, 1999). However, as I will argue, neither of these concepts of noncompliance are optimal fits for describing illegal hunting in their original liberal justifications.

The narrow parameters of the liberal account do not permit illegal hunting and its ‘shoot, shovel and shut up’ modality to qualify as a public address. But what is more, scholars after Rawls suggest the boundaries between engagement and disengagement blur to the point where a crime of dissent can be both public-oriented disobedience and private-oriented conscientious refusal (Kateb, 1984).

Here, when hunters retreat into their counterpublic, this can serve as a powerful political expression that signifies the depth of their antagonism and refusal to participate in dialogue with the state or with conservationists, even for the purposes of voicing contestation of its policies (Schmid, 2013). Like forms of conscientious refusal, it involves turning away from public interference in one’s affairs signal that one is no longer communicating with society, perhaps, because it is increasingly seen as meaningless for them to do so. On this interpretation, it is a silence or exit that communicates loudly and politically (Chang & Butchart, 2012; Gest & Gray, 2015).

Finally, there is also an element to dissent, whether engaging or disengaging, that can simultaneously affirm and challenge the hegemony it is contesting (Vinthagen, 2001). Such dissent may challenge Hollander & Einwover’s (2004) definition of dissent as subversive action. Hunters in this study, for example, increasingly learn to sequester a technical-ecological discourse of the elite conservationist class (scientific experts in particular) when contesting wolf management, sensing themselves at a disadvantage when using lifeworld arguments (as found in von Essen, 2015) because of the way the deliberative system empowers the elite discourse. I call this particular brand of dissent *barstool biology*. It allows hunters short-term uptake in the debate because they deploy the correct jargon, but the development confers legitimacy to a dominant discourse that continues to disenfranchise their worldviews and ways of argumentation in the system.

1.7.3 The What

The third thing you must look at when you approach dissent is, rather intuitively, *what* is actually being resisted. Is it processes or outcomes? People, animals, or ideas? Discursive regimes? I acknowledge the interaction of immaterial and material elements, as contended above under ‘the Who’ section, but above all I want to examine objections on deliberative-procedural grounds. Looking at the ‘what’ in procedural terms means looking at laws from a perspective of democratic legitimacy to apprehend junctures at which they no longer command compliance by affected citizen groups.

That said, there is no universal threshold of legitimacy below which citizens are not prepared to be ‘pushed around’ by the state, given citizens respond differently in such situations (Martin & Varney, 2003a). Swedish hunters may

be relatively accustomed to uptake of their opinions in the polity, and thus immediately regard it as a grave offense when decision-making channels appear stacked against them on an issue. On the other hand, however, Swedish hunters' interaction with law and state may also be understood in terms of a relative autonomy that bears on how they enact their disenfranchisement: hunters are accustomed to 'being left alone' in a sovereign jurisdiction into which laws and decisions rarely penetrate in the first place, as is typical for rural, outport and fringe communities (Zrinka Ana, 2016; Okihiro, 1997).

The 'what' of dissent therefore needs to look at generalisable deficits in background premises (or law-making) at the same time as it requires paying attention to why the dissenting social group in this context are 'triggered' to act at certain legitimacy thresholds. This point of entry re-orientates a dominant focus from substantive issues (e.g. wolf hate or fear, policy ignorance or past grievances with public institutions) toward a procedural understanding (Hayward, 2000) of dissent, especially popular among deliberative democrats. I believe this can also reinvigorate the criminological literature on illegal hunting. Rather than engage with proximate (and explored *ad nauseum*) causes like opportunity, commercial gain and thrill, we now shift focus toward systematically distorted communication behind the regulation one violates.

Green criminologists who work within human-wildlife conflicts call for such reorientation away from proximate motives to structural drivers (Wall & McClanahan, 2015; von Essen *et al.*, 2014a; Nurse, 2011; Kuperan & Sutinen, 1998). At the same time, I agree that it is important to not deny the material aspects of the phenomenon, but to see the *relation* between these and procedural elements (Fairclough & Fairclough, 2012). Sometimes, resentment may genuinely be grounded in aversion to wolf protection under the EU Habitats Directive, for example, and not in complex political struggles for recognition on the part of hunters. If you perform a cursory survey of Swedish hunters' reasons for their dissent, these would probably centre on material struggles. When further probed, however, hunters' justification for their dissent takes its basis in shortcomings in the ways in which decisions are enacted rather than the decision themselves – most do not object to the wolf as an animal. This makes a compelling case for tracing part of the rationale behind illegal hunting to deficits in the deliberative system. With this in mind, the dissertation operates with the following three research questions:

1.8 Research Questions

Research question 1

What are the socio-political drivers to the phenomenon of illegal hunting in Sweden?

Objective: Using a deliberative point of departure, determine the conditions of democratic suboptimality that result in legitimacy crisis

Objective: Consider how this predicament engenders dissent on the part of hunters

Objective: Identify the constitutive features of hunters' dissent, e.g. discursive, disengagement, direct action, symbolic protest and more

These objectives are achieved primarily through analysing interviews with hunters to reconstruct deliberative deficits on the one hand and their motives for going outside of conventional channels of participation, to dissent such deficits, on the other hand.

Research question 2

In what ways may illegal hunting be understood as a communicative crime?

Objective: Estimate the potential (1) dialogic characteristics and (2) message(s) of illegal hunting through a framework of criminology's message crime (hate crime, signal crime)

Objective: Critically discuss the societal and theoretical implications of considering illegal hunting as a communicative practice

These objectives are achieved through a higher level of abstraction in the analysis chapter of the dissertation. The latter objective involves presenting an objection to my own argumentation, so as to better harmonise my conclusions with deliberative democracy.

Research question 3

How can the regulatory regime best respond to and mitigate illegal hunting?

Objective: Present the need for a deliberative democratic normativity, against whose benchmark illegal hunting more clearly becomes symptomatic of a deliberative deficit

Objective: Provide short-term ways forward for channelling the dissent of hunters as constructive deliberative contestation in mini-publics

Objective: Provide long-term ways forward of alternative formats for public participation in wildlife management

The final three objectives conclude the dissertation by serving as both theoretical and practical recommendations for alternative forms of public engagement for hunters. These two interrelated recommendations are at once constructive in the wolf policy context and provide emancipation from the presently distorted deliberative system.

2 Methodology

This dissertation is set within the FORMAS funded research project “Confronting challenges to political legitimacy of the natural resource management regulatory regime in Sweden – The case of illegal hunting” [Project Grant: 2012-7896-23062-36]. The proposal for this project was created by researchers Hans Peter Hansen, Tarla Rai Peterson, M. Nils Peterson and Helena Nordström Källström across the Swedish Agricultural University (SLU), North Carolina State University and Texas A&M University. An unnamed PhD position was set aside within this project, which I assumed upon employment at SLU in August 2013. At the time of writing, the project is still ongoing, but this dissertation marks the closure of my PhD.

If illegal hunting could be understood, *inter alia*, as one outcome of a wildlife management regime in a crisis of distrust in Sweden, the task of this project has been to uncover exactly what deficiencies and drivers account for its rise. The three main aims of the project are to: (1) deconstruct the notion of illegal hunting in its entirety, (2) identify the constitutive factors of illegal hunting in Sweden and (3) map the attitudes and perceptions toward illegal hunting and their relative distribution within the Swedish hunting community. The principal ambition of the project is to clarify the challenge that illegal hunting poses to the regulatory regime and in so doing provide positive arguments for responding to this challenge in the future. The data collection for the project has been mainly interview-based, in the form of forty-four semi-structured interviews with Swedish hunters, thirty-nine of which are part of this dissertation. To map hunters’ attitudes toward illegal hunting, a quantitative survey was sent out in the summer of 2016. Because of its late empirical contribution, the results of this survey are not part of this dissertation.

The following dissertation operates closely to the theoretical, conceptual and methodological premises of the FORMAS research, given the author’s role as a full-time PhD researcher in the project. It is arguably equally concerned with the antidemocratic forces that disenfranchise hunters toward breaking the

law. Similarly, it adopts Habermasian deliberative democracy by examining illegal hunting in terms of a legitimation deficit on the part of the regulatory regime. It is also concerned with ways forward toward harmonising legislation with the cultural and moral norms that prevail within the hunting community. Where this dissertation departs from the research project is that it explicitly focuses on the contentious element to illegal hunting through the lens of dissent; that is, it has *a priori* focus on those acts of non-compliance that are not plainly resolvable by being for commercial gain, for personal thrill and/or deviance, or as a continuity of a folk custom. This focus began to take shape early on in the life of the research project, as a result of a process of double hermeneutics with the data we collected.

The narrower analytical focus of this dissertation in relation to the FORMAS research project means that more attentiveness and self-reflexivity are required to address objections to the main line of argument pursued. Dissent is surely not all that illegal hunting, even the socio-political kind, is? Might the element of dissent be the result of a semiotic process on the part of the researcher and not part of the design of the act (Lovell, 2009)? Might it at times be a manifestation of magpie syndrome of the researcher, where the bright and shiny findings are overstated at the expense of more prosaic observations (as cautioned by Thorne & Darbyshire, 2005)?

I hope to counter this risk throughout the dissertation, in part by always returning to the phenomenological accounts of my hunter-respondents in interviews. I also employ Descartes' method of doubt, where anticipating objections to your own argument and calling into question epistemological assumptions form an explicit part of the methodology. Among other things, a section in the analysis is devoted to the semiotics of crime signification. The purpose of this section is to assess and expose subjectivity regarding the dissertation's epistemological premise that illegal hunting is, indeed, a crime of dissent. In general, because the dissertation is still based on the same methodology and empirical data as the more open-ended FORMAS project, it has kept openness toward ambiguities, idiosyncrasies and grey areas that do not neatly fit into theoretical precepts of dissent, and is arguably better for it.

Finally, this research, much like the FORMAS research project, is to be understood as a case study in several respects: it explores a (1) a contemporary phenomenon in defined geographical boundaries; (2) which has been purposefully selected because its particularities are deemed relevant to generalise to other similar cases; and (3) it addresses a complex functioning unit (illegal hunting) that is approached in an exploratory, descriptive and explanatory capacity. Owing to the resources of the FORMAS project, it fulfills some additional, more rigorous criteria for case study approach. Specifically,

triangulation is not merely methodological but is apparent also in what Bryman (2004) terms investigator and theoretical dimensions. First, three researchers have spent time collecting interview data in the field, forming an interpretative community for observations and reflections as they arose (Taylor *et al.*, 1996). Second, three theoretical tracts provide a triangulating framework: Habermas' communicative action, though Negt & Kluge's counterpublic theory and deliberative disobedience. I see them as mutually informing and filling in each other's gaps when it comes to understanding how citizens become disenfranchised with policy, mobilise on the basis of this injustice, and finally dissent – in a heuristic three-part trajectory by hunters.

2.1 The Background Material

The totality of empirical material for the FORMAS research project across three years comprises a collection of informally and formally collected data. These comprise meetings with practitioners (the Swedish Hunting Association and the National Hunters' Association in both formal seminars and informal chats); a critical discourse analysis of hunters' appropriation of the dominant discourse (see von Essen, 2015); my supervision of postgraduate students doing their theses on the wolf conflict both here and in Spain and Greece (see Theodorakea & von Essen, 2016 for the Greek case), where I have been privy to reports directly from the field in diverse settings; and finally, conference and seminar participation in the fields of green criminology, wildlife crime and animal ethics. Several PhD courses have also been topic-specific in a way that has added to the material. They have been on hunting and environmental ethics or on green criminology, and empirical cases featured in these courses as well as course events and examination papers have entailed my additional engagement with the field of illegal hunting.

In addition to this, I have concomitantly followed media, social media and personal hunter contacts. A daily newsletter subscription from *Retriever* comprising all published articles coded with wolf or large carnivore has provided continuous update on various letters to the editor, co-ed columns, editorials and articles as they feature in newspapers regionally and nationally. Collectively, this background knowledge has provided a grounding in praxis through engagement and observation of hunters in other formats than a researcher-respondent interview. For the sake of transparency and researcher reliability, however, the empirical chapters of this dissertation draw explicitly only on the interview transcripts. This also had an ethical dimension; some of the groups I followed on social media and informal conversations I was privy to were private and cannot directly be relayed here, although they can inform how I interpreted the interview findings.

Empirical material has also been acquired through engagement with academic researchers exploring illegal hunting in other national contexts. My two American-based project colleagues Tarla Rai Peterson and Nils Peterson have provided insight into their respective case contexts and the contexts of their PhDs and postgraduate students, including studies on illegal harvesting on the Bahamas. I have worked closely with them to develop an understanding of the range of illegal hunting and its motivations globally, to the point where we engaged with the situation of neoliberal criminalisation of hunting in Africa. More geographically proximate collaboration or correspondence with Nordic, UK and European-based researchers on wildlife crime, including Ketil Skogen, Olve Krange, Paul Larsson, Angus Nurse, Ragnhild Sollund, Outi Ratamäki, Mari Pohja-Mykrä, George Holmes, Kathleen Braden, Bill McClanahan and Angela Lühtrack to name a few has contributed with empirical experiences which have often directly informed how I understand the Swedish case context of illegal hunting to be unique or comparable to insights gained elsewhere in the world. Their experiences have been systematically synthesised in two occasions in particular: an illegal hunting workshop I hosted (together with my project colleagues) in Copenhagen in 2014 and my guest editing of a special issue on illegal hunting for *Crime, Law and Social Change* (together with Angus Nurse). The tables below present the relevant background material.

Table 1. An Overview of Swedish Media Surveyed

Facebook and social media monitoring	Online discussions on Facebook pages and on hunting forums (robsoft) have contributed to a sense of how the debate is perceived and virtually reproduced both by radical factions (as in Våga Vågra Varg) and by the broader hunting community.
Retriever News subscription on 'large carnivore' forwarded by Katarina Herou at the WWF	A daily news subscription that tracks small, regional newspapers (as in the wolf-dense areas in Värmland and Dalarna) as well as coverage of large carnivores in national news media has been forwarded to my email. It has provided continuous updates on current discussions. Sometimes, entries are short letters to the editor in regional papers or major news items on e.g. the wolf cull.
Monitoring of the two Swedish Hunting Associations websites, including staff blog posts and member comments, and semi-regular reading of their respective magazine publications	Both websites update daily and the National Hunters' Association's page, in particular, features a lively newsfeed and comments section that has captured hunters' responses to news on hunting law, wildlife decisions and wolf issues. Through my institution and a family member's subscription, the hunting associations' magazines have been surveyed informally for noteworthy news and for their editorials.

An Overview of Swedish Media Surveyed

Critical Discourse Analysis on news media, using 'illegal hunting' and its Swedish synonyms as a point of entry	The daily news subscription was used as basis for a critical discourse analysis on hunters' choice of jargon/discourse when discussing wolves and wolf politics. This data is not explicitly presented in this dissertation (being already published in von Essen, 2015), but its empirical findings have informed an understanding of the disempowered position of hunters in the deliberative system and how they seek to overcome it via discursive means, a phenomenon which is highly relevant in the context of this analysis.
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Table 2. Wildlife crime and hunting symposiums and conferences

History of Game, Sveriges Vildnad, September 22, 2013, Stockholm	A group of mostly historians hosted a day of presentations on Swedish game and hunting practices. The wolf was the centrepiece for many of these talks, which contributed to a richer picture of past relations, trapping techniques and attitudes held toward the wolf among Swedish hunters and the aristocracy.
School of Law Roundtable Seminar: Wildlife Law Reform and the Future Protection of Wildlife, May 30, 2014, Middlesex University, London	This event was partly for academic researchers, and partly for practitioners: ENGO representatives, environmental litigators and policy-makers in the UK context of wildlife crime and policy compliance. The UK's relationship with EU conservation directives was deconstructed and demonstrated important differences between the ways other member states relate to EU Habitats Directive.
Illegal Hunting Research Workshop, 16-17 June, 2014, Copenhagen	Fifteen researchers shared empirical data from surveys on attitudes toward illegal hunting in Norway and interviews with convicted hunters in Finland. Anette Nyqvist from Stockholm University relayed her experiences of interviewing Swedish hunters about illegal hunting, which helped prepare our interview guide and approach.
ESRC Green Criminology Conference, July 7-8 2014, London South Bank University, London	This conference featured a breadth of empirical cases of green crime, and had a valuable wildlife crime panel where the situations with poaching in Africa and Asia were discussed. Similarities appeared in challenges to interviewing illegal hunters, and in the finding that criminalising livelihoods would be met by defiance (as for the indigenous poachers in Africa)
Rural Crime and Community Safety Special Issue for Rural Studies, September 18-19, 2014, Royal Institute of Technology, Stockholm	This symposium hosted by Rural Studies revealed the interconnectedness of hunting issues with rural politics and agricultural matters both in Sweden and elsewhere, as in Australia (in the empirical case by Elaine Barday).
Conference on Communication and Environment Bridging Divides: Spaces of Scholarship and Practice in Environmental Communication, June 11-14, 2015, Boulder, Colorado	My presentations at this conference elicited hunting discussions from US researchers, including Tovar Cerulli who fed back on the game element to hunting and its complex transcendence of subsistence.
British Society of Criminology Conference, Criminology: Voyages of Critical Discovery, June 30-July 3, Plymouth	UK researchers engaged in a discussion with me over the sportsmanship of hunting. They drew parallels to the field sports context of hunting in the UK and the Swedish situation could be compared and.
Symposium Animals Wild and Tame: Peering Beyond Categories, May 30-31, 2016, Turku University, Finland	This symposium provided a case study of the situation with golden jackals in Estonia as a parallel. Through engagement with Karin Dirke, it also furnished an understanding for historical wolf persecution and practices in Sweden.

Table 3. Meetings with practitioners

<p>Presentation of research project & outreach to National Hunters Association (JRF). December 2013, Södertälje</p>	<p>As we were privy to (parts of) the board meeting with JRF, the experience afforded insight into the current issues and concerns high on their agenda. It also helped form a working relationship with JRF, dispelling some scepticism on their part over the project, and generally showed how hunters respond to academics.</p>
<p>Game Management Research Days and Workshop at the Swedish Hunting Association 10-11, 2014, Öster Malma</p>	<p>This two-day event involved a broad segment of hunters and wildlife management practitioners, veterinarians and hunting administrative personnel to network with, and to engage in workshops on the second day.</p>
<p>Synen på etik inom jakt & viltförvaltning, Sveriges Vildnad, December 5, 2014, Stockholm</p>	<p>A critical mass of hunters serving on boards and in associations gathered for a day of formal seminars on hunting ethics, emerging issues and for informal chats. The day greatly clarified 'sore spots' and concerns the hunting associations had in regard to ethical issues, including the wild boar supplementary feeding matter.</p>
<p>Gave communication training workshop for älgförvaltningsgrupper at Länsstyrelsen, September, 2015, Linköping</p>	<p>Approximately 60 hunters who served in moose management groups aired their concerns and opinions to us in relation to public participation premises on moose management. The day clarified hunters' relationship and trust (or lack thereof) with various state organs, as well as how they viewed the role of science/ecology in informing management.</p>
<p>Presented research at Annual SKANDULV meeting, November 23-25, 2015, Uppsala</p>	<p>SKANDULV provided insight into the ecological and genetic state of the wolf. The three-day event also allowed for networking with a cross-section of Nordic hunting figures and association heads, seeing how the SEPA and county administrative board civil servants interacted with hunters and recalled of their experiences in administrating recent wolf culls across the country. Conversations with key figures Olof Liberg, Håkan Sand and Gunnar Glöersen clarified challenges hunters face today. Members from ENGOs like Swedish Association for Large Carnivores were also present, and their formal and informal interaction with hunting association members could be observed.</p>
<p>Featured in debate on Danish TV "Ulvetimmen", as respondent in expert interview. Denmark, January 2016</p>	<p>Participation in this hour-long television special imparted familiarity with the concurrent Danish situation with wolves, as well as insight as to how media debates with diverse practitioners are staged and conducted for media.</p>
<p>Informal conversations with hunters (2013-2016)</p>	<p>In this residual category of background material can be counted all those informal chats I had in the field and in my personal life with hunters whom I did not 'interview'. They included, for example, short meetings with hunters who were affiliated with my respondents (their family or co-workers depending on interview setting), hunters whom I came across first as researchers or as practitioners at symposiums and events but who came to discuss hunting issues with me; and several local hunters (neighbours, distant family, etc.) I had some sort of relationship with.</p>

Table 4. Student master thesis supervision on wildlife conservation and crime

Ilektra Theodorakea	"Who let the Wolves Out? Perceptions about the presence of the Wolf in Central Greece" (2014)	Working closely with Ilektra and absorbing her experiences of interviewing residents about wolves in the Greek countryside, as well as helping code them, painted a rich picture of the Greek situation with wolves. Several practical insights (proxy interviewing) and empirical findings (the prevalence of the secret release rumour across Europe) came from this work.
Marin Tournier	"Countering Illegal Wildlife Trade in Southeast Asia: A critical comparison of the leading strategies and their corresponding initiatives" (2015)	Marin was actively stationed at an anti-wildlife-trafficking NGO in Vietnam for this thesis. His reports from the field and from working within the organisation provided insight into wildlife crime in Southeast Asia as well as the sensitivity required to undertake this empirical research.
Sara Andersson	"Animal Ethics Between Theory and Praxis: Differential Ethical Standards toward Wildlife: the Case Canis lupus in Sweden" (2015)	By interviewing hunters in Sweden on their ethics in regard to different taxa and across different contexts, supervising Sara's work supplied empirical data on wildlife attitudes held by hunters in adjacent counties. Her work helped clarify inconsistencies and frequent idiosyncrasies in hunters' attitudes, which provided a basis for designing a more discerning interview guide in this study.
Lina Cederlöf	"Constructive Communication in Contexts of Complexity: A Case Study of the Wolf Conflict in Sweden" (2015)	Lina's empirical data came from engagement with key practitioners within the wolf context: representatives of ENGOs and of the hunting associations. Her experiences and transcripts helped illuminate how these key figures see the main issues in the wolf conflict, as well as how they communicate on, about, for, on behalf of and toward it. Reports of lacking, distorted, or one-sided communication was especially helpful in informing an understanding of the deliberative deficit examined in this study.
Sara Garrido	"Constructing and Anticipating Conflict: How Madrid Prepares for Wolves" (2016)	An extensive empirical data collection (30 interviews) and prolonged field visits in the countryside around Madrid illuminated the Spanish situation with the wolf conflict. Sara's stories from the field, including the reactions of her respondents and the similarity in mechanisms behind conflict between Spain and Sweden, including meta-stereotypes and withdrawal from engagement, were very valuable.
Nyashadzashe Marecha	"The constitutive dimensions of the human wildlife conflict situation a case study of Hwange National Park." (2016-ongoing)	Nyashadzashe's still-ongoing thesis writing, but completed field work, of a human-wildlife conflict in Zimbabwe, helps put the Swedish wolf conflict in perspective by clarifying the concerns of citizens here differ somewhat from the basic livelihood and survival needs of local residents around Hwange.

Table 5. Topic specific PhD courses

The Politics and Practices of Civil Disobedience	This 5-credit reading PhD course, while mainly theoretical, featured case studies of environmental disobedience that helped take out those practical constituents of illegal hunting that qualify it as a political phenomenon.
Animal Ethics and the Morality of Hunting	<p>Through this 5-credit reading PhD course, hunters' codes of conduct and morality were problematised. Cases pertaining to the Scandinavian situation were explicitly engaged with to apprehend Swedish hunters' ethics.</p> <p>The course also had practical elements; I attended an ethics symposium for Sveriges Vildnad (see table below) where I engaged directly with Swedish hunters over their ethical standards pertaining to hunting practices. I also consider my supervision of Sara Andersson's master thesis (see table 4), a case study exploring hunters' ethics in relation to different tax a and different practices, to be a key empirical component of this course.</p>
Environmental Communication	<p>In this 7.5 credit course, the neoliberal credo of 'freedom with responsibility' was specifically broached and helped make sense of hunters' relationship with codified law and non-codifiable morality.</p> <p>The paper I wrote for the course (von Essen, 2016) had me confront the dialogic dimensions of dissent like illegal hunting, which involved research into the rhetoric of illegal hunting in the Swedish hunting community.</p>
Doing Green Criminology	A dozen or so criminology researchers participated in this two-day course/symposium and supplied case studies of green or wildlife crime from their respective regions. I was thus privy to accounts from Norway, Africa and South America to name a few, and could discuss the Swedish situation of illegal hunting with them.

2.2 The Interview Guide

Qualitative interviews with diverse hunters in Sweden contribute to the exploratory, descriptive and explanatory stages of the research project (Warren & Karner, 2009). The design of the interview guide set out by adhering to the epistemic principles of phenomenology by which the subjective lived experiences of respondents were sought (Wimpenny & Gass, 2000), in hunters case: an embodied knowledge accumulated over their lives. My thirty-nine interviews provide shared social situations where hunters relay past experiences, practices and attitudes regards hunting ethics and illegal hunting. In this dissertation, interviews are coded for ascertaining a legitimacy deficit and for hunters' collective or individual experiences of disenfranchisement, asking: when, for what reasons and in what circumstances may rule-breaking be justified as response? Answers go toward identifying specific constraints that hunters experience in relation to their lifestyles and practices today. The insight acquired from the interviews identify the threshold of the legitimation deficit on the part of the regulatory regime (Smith, 2008). That is, they identify the 'tipping points' at which hunters no longer experience laws as worthy of their compliance.

An interview guide template for semi-structured, open-ended interviews commenced early in the research process and was put through an iterative design process that involved multiple rounds of revisions (Berkowitz, 1997). Three separate occasions marked moderate revisions of the interview guide to improve coherence with research objectives and theoretical points of departure, including the concept of *legitimacy*, *counterpublic* and *dissent*. The iterative design process meant to accommodate more points of entry as these appeared relevant, but was also helpful in trimming those questions or sections that did not add value (Srivastava & Hopwood, 2009). The interview guide that is most representative of the one used throughout the study (involving only a few derogations depending on the interview) can be found in Appendix I.

A rationale of the interviews was to formulate questions in such a way as to capture ambiguities and ambivalences *within* hunters as opposed to merely *between* hunters. This followed from the three reasons. First, it was motivated by the FORMAS research project's exploratory point of entry to illegal hunting as a phenomenon in all its complexity and contradictory attitudes. Second, it followed a general guiding phenomenological principle to not take positions or attitudes for granted *a priori*, thereby reproducing an endemic problem of dissent research (see, for example, Mertes, 2004).

Third, it was explicitly motivated by the deliberative point of departure of the research. This recognises that citizens have multiple roles and dispositions that are elided when they individuals are profiled into predetermined categories. Hunters, in particular, take offense to prejudice that reduce them to one-dimensional stereotypes. I had observed this first-hand in stakeholder models of participation on wildlife management (and documented in von Essen & Hansen, 2015). This point is often observed by deliberative democrats: it is both unrealistic and counterproductive to suppose individuals possess a principled set of desires that would license preordained categorization of a person into a role. Manin *et al.* (1987) observe one's desires are usually in conflict and that the process of deliberation attunes individuals to the *contradictions* in their own desires. As my supervisor Hans Peter Hansen avers, it is in these ambivalences that solutions in seemingly intractable situations can be gleaned.

Previous research on hunters has arguably paid limited attention to such ambivalences, preferring instead to profile studied hunters on the basis on identifying static attributes of their hunting. This includes, for example, demarcating profiles of nature hunters, slob hunters and dominionistic sport hunters (most famously by Kellert, 1978), or stewards, predators or sportsmen (recently in Scandinavia by Kaltenborn *et al.*, 2013). Insofar as dynamics have been incorporated in such typologies, some authors suggest hunters progress through these categories in their lives (Raija & Jarno, 2013; Eliason, 2004).

However, recent research on illegal hunting suggests this also is inadequate as dispositions vary within the same individual across different contexts (e.g. Solomon *et al.*, 2015; Kahler & Gore, 2012).

It is similarly imperative for this research to avoid the trap of assigning hunters into pro and anti-stances in regard to wolf conservation or, worse still, into some sort of pro, anti and neutral attitudinal profiles in relation to their relationship with the state. I posit such attitudes are highly contingent dispositions, which are not collapsible into anti, pro, negative or positive stances (Ghosal *et al.*, 2015), nor ones which can be neatly correlated with urban and rural categories of hunters (Sollund, 2014; Skogen *et al.*, 2013). With this in mind, Kuentzel's (1994) and Marvin's (2013) methodologies better approximate a phenomenological understanding of hunters, shifting focus from profiles to multivalent dispositions contingent on situational factors (Kuentzel, 1994). These non-exclusive 'modes' of hunting can be experienced by the hunter at various situations (Marvin, 2013). It is in this vein that my interviews have been developed, undertaken and coded.

In the attempt to accommodate multivalence within hunters, interview questions were purposely formulated to capture dilemmas and the context-dependent nature of hunters' attitudes. If I detected strong sentiments regarding the unnaturalness of the wolf in Sweden, for example, I questioned the respondent with respect to his or her perception of other unnatural or invasive species. Oftentimes, such probing brought out self-reflection or concessions about particular cases where unnaturalness was not deemed negative. In this way, discussing inconsistencies facilitated getting to the bottom the hunter's attitude or, as Pellizzoni (2003) terms it, the basic value tree of respondents.

This approach was finally of great value to the understanding of the nature and extent of hunters' dissent. A shallower approach aimed at slotting hunters into typologies based on what breed of dissenters they were, as informed by their self-understanding, would be likely to see hunters align themselves with civil disobedience first and foremost. That is, they view wolf policy as a violation of their cultural, social and economic rights (as the Finnish hunters in Pohja-Mykrä & Kurki, 2014). Some reflections do testify to this. But the deliberative approach to interviews that involved getting to the basis of respondents' objections often revealed genuine confusion of political motives on the part of hunters. By repeated questioning as to what they really opposed, it transpired hunters' main gripe lay not in violations in the system of human rights, but in democratic inertia *within* this system, disabling an equal uptake of all voices. This revelation was significant inasmuch as it informed my theoretical framework to consider deliberative disobedience to better characterise hunters' dissent.

2.3 The Interview Structure

The interview guide proceeded semi-structurally around five overarching themes. The first was an open-ended broad domain section (Brown & Toyoki, 2013) aimed at establishing the hunting background of the respondent (see Appendix I). The second sought to apprehend the respondent's hunting ethics and ways of reasoning around potential dilemmas between laws, morality and praxis. This section typically engendered compelling responses, and produced several off-shoot studies on ethical standards in hunting (e.g. von Essen & Allen, 2016c; von Essen & Allen, 2016b; von Essen & Hansen, 2016).

The third section focused broadly on the relationship between hunters and public institutions implicated in wildlife management. These included various levels of governance from the European Union down to one's County Administrative Board and, of course, the Swedish Environmental Protection Agency. Respondents were asked about their trust in, the perceived legitimacy of, and their interactions with civil servants at these levels of authority. Here, a picture of hunters' general deference or resentment of authority, and in what form these took, could be illuminated by the interview questions.

The fourth section addressed hunting *faux pas*, knowing right from wrong. This meant discussing the scope of illegality in hunting, what characteristics and practices constitute a bad hunter, and eliciting respondents' experiences on any law-breaking, social or criminal sanctions, as well as their implications on the hunting community. The section focused extensively on charting how informal institutions operated and to what extent its internal code of conduct was compatible with formal regulation. It evaluated the social calculus around rule-breaking and found a strong praxis-based credo of freedom with responsibility undergirded by a norm of *jägarmässighet* guide hunting norms.

The fifth and final section was future-oriented. It followed up on prior discussions and invited respondents to reflect the future. Such questions inquired about what would happen to certain conflicts the respondent had discussed, what one would do differently in response to those problems identified around legal dilemmas, and how one viewed the potential establishment of a new public authority *vilförvaltningsmyndigheten* which may consolidate currently scattered wildlife management in the future.

Because of the sensitive nature of some questions pertaining to law-breaking, indirect interview techniques were utilised (Rubin & Rubin, 2011). Hence respondents were asked if they knew someone who had committed a hunting offense when faced with these sorts of dilemmas and what they thought of types of illegal hunting. They were also presented with hypotheticals that inquired what one might do in a given situation. This indirect interview technique has been demonstrated to more effectively elicit preferences regarding sensitive illegal actions in the context of

hunting (Nielsen *et al.*, 2014; Moro *et al.*, 2013). The inclusion of this element was also inspired by a more recent and geographically proximate study in Finland, which generated valuable data of hunting transgressions which might otherwise have been obscured in direct lines of questioning (Pohja-Mykrä & Kurki, 2014). Nevertheless, evasive answers were expected in the interviews despite navigating through these techniques, thus resulting in a potentially conservative estimate of illegal hunting to be communicated by respondents (Nuno & St. John, 2015; Liu *et al.*, 2011).

Despite proceeding in a recommended structure in terms of opening with the general and proceeding toward the particular and points of criticism (Yin, 2009), the structure of themes and their sub-questions presented an ongoing practical challenge in particular as a result of navigating sensitive questions and having to attend to the respondent's mood and willingness to disclose information (Jackson *et al.*, 2012). Less threatening discussion topics—including personal forays, informal chats and hunting anecdotes—sometimes needed to preamble the section on illegality to ease the respondent into more controversial topics. While this is the generally recommended course of action, researchers also suggest respondents may be more likely to reveal sensitive information when questions are presented in decreasing order of intrusiveness (Solomon *et al.*, 2015; Acquisti *et al.*, 2012). This was however not the case here as it seemed important to hunters early in the interview to establish a baseline of law-abidingness, reason and loyalty toward the state before feeling more at ease to admit to any criticisms, let alone rule-breaking, in subsequent themes. This follows Monin and Miller's (2001) observation that people are more willing to express controversial attitudes once they have established their credentials as reasonable persons before the researcher.

The sensitive topic continuously demanded my navigating around openings and closures in the conversation. For example, I sometimes took advantage of the candour of conversation by interjecting a question on law-breaking. Apart from the background introductory section, the proceeding four thematic sections often functioned as mini-restarts in the conversation by coming back to a particular theme through a different vocabulary—ethics, relations to public bodies, non-compliance or desired changes for the future (Alvesson, 2003). To facilitate reflections in cases where respondents were stumped over what rules and prohibitions existed for hunters, I sometimes referred to or presented them with the following visual cue:



Figure 1: Rules for Swedish hunters, 2013. Used with permission from Helena Nordström Källström.

2.4 Selection of Respondents

A total of thirty-nine in-depth, semi-structured interviews were carried out with hunter respondents at various geographical sites across Sweden 2014-2016. A wide net was cast to access new hunters, female hunters, urban-based hunters and a range of specialised hunters (trackers, bird enthusiasts, big game hunters, competitive shooters and professional hunters) across an age range from 23 to 90 years of age. A table of respondents' geographical location, gender and age

distribution can be viewed in table 6 in the Appendix. Hunters were the intuitive demographic for this study given that as far as has been discerned in Sweden, Norway and Finland alike, card-carrying hunters are the ones actually engaging in illegal hunting, often alongside of or in conjunction with legal hunts of fair game (Pohja-Mykrä, 2016b; Pyka *et al.*, 2007; Sollund, 2014).

It can be noted here that the Hunting Associations in Sweden have at times taken a harder line to proactively divorce illegal from legal hunting. They have, for example, insisted upon a built-in logic to hunting that involves following rules and ethics, and hence declared that breaking rules means that one is not really hunting in the true sense. The implication is that one is a dentist (like the killer of Cecil the Lion), a cook or a lawyer – who happens to be killing animals. This may, however, be understood as a pragmatic attempt by the hunting associations to distance themselves from the understandably contaminating effects of illegality on their culture, the importance of which will be elaborated in chapter 6.6. of the empirical results: Cleaning Up Contaminating Accounts. I will work with the straightforward truism that by illegally killing a protected wild animal, one becomes an illegal hunter.

Hunting respondents were selected through a snowball method that operated from a tripartite departure (an approach endorsed by e.g. Warren & Karner, 2009): contacts from representatives from the *Swedish Hunting Association* and the *National Hunters Association*, personal or professional contacts to the researchers, and soliciting the perspectives of hunters from an online hunting forum, *robsoft*. Each respondent was then asked to suggest additional names in any part of the country. To minimise selection bias (Lopes *et al.*, 1996), we also encouraged respondents to suggest people with whom they did not share opinions, and hunters otherwise socially, geographically and ethically diverse to them. A preliminary goal of 50 interviews had been set for the research project. However, a sampling strategy that rested on the concept of saturation was later selected; new interviews stopped at the point where respondents added little to variation to the data (as according to Bertaux & Thompson, 1997), and this was at forty-four interviews in total by February 2016. However, five interviews conducted by Helena Nordström Källström with hunters who were in positions of educating new hunters were discarded from the sample analysed in this dissertation as the interview battery differed too much to the one used with the other thirty-nine respondents.

The rationale for using multiple avenues for purposive sampling was that a wide range of hunters with little connection to one another were desired to capture diverse voices. A geographical spread was imperative for two reasons. First, a presumption was that hunting cultures differ substantially in terms of the *type of game*, the *length of season* and the traditional *methods of hunting*

based on climate, topography and wildlife distribution. These preconditions presumably affect one's attitudes and norms. The historical dimension was also factored in this geographical spread, as it was surmised that traditions in hunting and local conditions for management practices by geographically proximate respondents may converge their answers around certain issues, for example the sanctity around all things moose in the north of Sweden.

Second, although this research is not explicitly about the wolf polemic per se, it provides an important ground. This much comes through in the results and in the analysis, even if I chose not to feature it explicitly in any research question to poison the well. Given its salience, it would be remiss to over- or underacknowledge the perspectives of hunters in wolf-dense regions (Dalarna, Örebro, Värmland) given their lifestyles and hunting practices are now so heavily affected by wolf conservation (Cinque *et al.*, 2012). Premised on the fact that government distrust and illegal hunting peaks among hunters in these regions (Sandström *et al.*, 2014), such respondents needed to be factored into the selection process with due consideration. I thus undertook two trips to Värmland, one to Dalarna and one to the Örebro area. It can be noted, however, that a surprising number of hunters interviewed had a composite geocultural background, having lived or hunted in several places.⁵ This presented an advantage insofar as it facilitated critical reflections on their experiences as they differed from local hunting cultures in Sweden or, even, from those abroad.

Beyond geographical parameters it was imperative to, first; engage mostly with hunters who seemed to hold no particularly strong opinions on wolf management or related polemics. This was so as to insure against inflating the respondent sample with activists who might have held agendas going into the interview. For this reason, we did not contact representatives of radical associations like *Våga Vågra Varg* or *Rädda Jakten*. Our interest was rather in the hunting community of 'common' hunters, whose primary identities were not defined in terms of activism. Such hunters were obtained largely as a result of snowballing through our personal and professional networks (Warren & Karner, 2009). Second, we recognised a need to chase the hard-to-get-at hunters, who stood outside our personal networks or indeed of most public communicative channels. Nevertheless, there was a practical challenge to engaging off-the-grid hunters who might provide the strongest case of disenfranchisement. Third, we elicited the perspectives of the hunting associations in Sweden by interviewing a handful of those affiliated with positions here.

⁵ This is not reflected in the table of respondents (table 6 in Appendix 1), where geographical location denotes current place of residence.

Fourth and finally, we were also, this time purely pragmatically, interested in soliciting hunters who actually volunteered to be interviewed on this subject when the opportunity was put to them. Hence, following a thread posted with permission on the largest Swedish hunting forum (*robsoft*) that outlined our research objectives, many hunters across Sweden offered to meet us when we came by their area. The idea to utilise the hunting forum was to make use of a social platform that was not *de facto* tied to a geographical location, an explicit issue (such as wolf opposition) or involved people who knew each other and therefore held convergent views. As a virtual gathering of hunters (+25,000 members) discussing everything hunting-related across multiple forum sections, the site generated many chains of respondents, including persons outside of the forum who came recommended by forum members.

There was nevertheless a sense in which all the respondents interviewed in this study constituted volunteering participants in a way that limits the sample representativeness. While I invariably initiated contact, and even had to actively chase a fair few sceptical hunters to get them to meet with me, the sample in this dissertation is not representative of the abovementioned off-the-grid hunters who stand outside the system – because, ultimately, they were all *willing* respondents when they sat down with me. While this limits the scope of representativeness for the hunting community in its breadth, it is also not possible to overcome. Unless I were prepared to coerce hunters into being my respondents, those unwilling to participate in the study were a key category omitted from the sample. At the same time, their unwillingness and absence can be said to speak with a voice of its own. Many may have had practical reasons for not being able to participate. But some hunters who responded in the forum thread raised a suspicion that the research would be used against them made them reluctant to volunteer. They are hence a cohort of hunters whose abstention from the research project paradoxically speaks loudly about the relevance and urgency of the research on hunters turning away from the regime.

2.5 Limitations of Selection Sample of Hunters

The above has discussed the rationale behind and limitations *within* the selection of hunters for this study. What remains, however, is arguably a more critical reflection on the extent to which only interviewing hunters is problematic when viewed in the relational ontology of dissent. In the introduction, I raised this objection. How is it possible to ascertain whether hunters are truly subaltern from a one-sided empirical interview investigation with *only* hunters? As I argue, this is asking the wrong question to begin with.

Of course, it is true that this research cannot capture the dialectic of dissent in terms of identifying any radicalisation taking place on both sides of the conflict, among hunters and animal rights activists, or precisely how they feed into each other's ire. Neither can it make claims about the objective political position of hunters vis-à-vis for example conservationists in the deliberative system (inasmuch as such claims could be made by anyone). Any claims about the *actual* limits to participation in the system, or the zealotry of animal rights activists, are clearly filtered through hunters' worldviews, but they are also presented honestly as such through phenomenological research.

Whether hunters' subaltern predicament is objective or subjectively perceived is less relevant to a deliberative democrat. What is relevant is the admission that it is not the researcher who can determine with certainty the validity of hunters' claims regarding their alleged subalternity. Rather, this is something that must be put through deliberative testing. This is captured succinctly by Humphrey and Stears (2006, p. 410) in a way that can be neatly applied to social struggles: "We cannot determine what a 'legitimate' political position is without the public justification that comes about as a result of deliberation, and therefore cannot be, in the political sense, an *a priori* 'legitimate' position." This means it is up to deliberation to ascertain the validity of the claims of injustices or underdog positions advanced by hunters and conservationists alike in the wolf conservation conflict.

Finally, I have stated that the target of dissent in this research has revealed itself to be not so much a movement or social group, or indeed even a particular policy, but processes and premises within the deliberative system. These *can* be ascertained in regard to how they disenfranchise hunters in the current situation. Indeed, a deliberative deficit can be identified inasmuch as the hunters in this respondent sample sense themselves to be at a deliberative disadvantage in extant channels for participation and voice. But, crucially, hunters also identify procedural deficits that may be understood as less partisan (targeting only hunters) and general deficits of the deliberative process, not likely to benefit anyone actor. These deficits are visible on other levels in society, such as through ENGO's systematic bypassing of the deliberative process to appeal decisions in court. But also through radical animal rights activists sensing the system to be too co-opted to operate efficiently and who therefore undertake sabotage, threats and harassment of hunters in the countryside as a way of doing politics. Hence, just as hunters bypass distorted channels through illegal hunting and acts of dissent, so too do conservationists' use of litigation and animal rights activists' 'rightful resistance' testify to a systematically distorted communication that requires direct action outside of the public participation fora. Conservationists and hunters may therefore be

seen as both subaltern by the deliberative system at the same time; there is a general deficit in this system that is contributing to a legitimacy crisis in which few – if any – actors have faith in the official channels. My aim is to ascertain this deficit and see how it is experienced by hunters in particular.

2.6 Establishing Trust with Respondents

It has been imperative to present the research project as a whole in ways that avoided using terms like illegal hunting or poaching as points of entry. These pejorative terms seemed to reflect *a priori* judgment of hunters. Because a core of the research pertains to state legitimacy crisis, distrust and the credibility of laws, hunters were asked if they would be willing to sit down with a researcher and discuss broadly how he or she viewed rules and ethics in the hunting context, shifting focus from their behaviour to the laws in themselves. Within this we elaborated on some of the topics we might raise, including experiences of ethical and legal dilemmas in hunting praxis and hunting regulation.

Against this background, I quite quickly found a template for presenting the project that raised gentle interest rather than eyebrows or defensive responses at first contact. While interviewing, similarly neutral wording was used to minimise evasion bias and dishonesty endemic to the illegal hunting topic (Nuno & St. John, 2015). As previously noted, the aim of the qualitative investigation was not to attain a ground-truthing estimate of the extent of illegal hunting in Sweden, but to relay the climate in which illegal hunting is constituted. Because of this, non-response and evasion bias over actual offenses are not detrimental to the validity of the findings of this particular study, which goes beyond describing crime statistics.

While the original idea was to interview as many respondents as possible in their homes so as to maximise their comfort and safety in speaking to me (Warren & Karner, 2009), public spaces had to be used for approximately half of the respondents. These were most often cafés and hotel lobbies in the cities I visited. All interviews were also taped on an audio recorder following permission given by the respondent. As an everyday item, the use of a smartphone to record was deemed less conspicuous and distracting to respondents than placing an old-school audio recorder in front of them. To this end, recording of the interview had the inevitable effect of adding to hunters' already strong efforts at containing ethically ambiguous or incriminating attitudes within their community. In the field, I learned to start recording later in the conversation to first establish a friendly atmosphere. I did not, however, try to separate non-hunting small-talk (such as about the surroundings or current events) from hunting questions in this start-up conversation, as I

wanted to avoid sending respondents the signal that record/OFF meant informal talk and record/ON meant strictly hunting questions.

Respondents' reactions to the audio recording were generally positive once I had emphasised the following things: that it was to help me so I would not have to furiously scribble down notes during the interview; it was to more accurately capture their statements, so they could not be misquoted; all transcripts generated would be kept safe, anonymised and decoded to the degree where quotes would not be traced back to a hunter, but assimilated in a broader theme; and, jokingly, that I would not go straight to the SEPA and/or police authority with the recordings. No respondents expressed any desire to be sent either the audio file or the transcript of their interviews where this was offered, though a majority were interested in taking part in the finished products of the research project and asked to be kept in the loop.

2.7 Researcher Positionality

As a young female researcher seeking access to a community that is at least partly characterised by the norms of older men, there was rarely a dull moment as far as researcher positioning was concerned. Interviews invariably started with my briefly introducing the research project and my role in it, followed by mentioning that I come from a family with a strong hunting tradition (including a father who lives for hunting and uncles who do the same). My surname more often than not prompted questions if I were related to Hans von Essen, a former Swedish Hunting Association representative (he is my father's second cousin, so not exactly a close relation). The fact that my co-researchers are both card-carrying hunters, however, was brought up so as to widen the space of shared positionality and engender a level of trust in the research project as a whole (Mullings, 1999). At the same time, aware of a preoccupation of the research with the self, its significance in the research process, and romanticisation of bonds of authenticity with respondents (Alvesson, 2003), I do not wish to overstate any kind of insider position. Typically, my interview trips were short and targeted and my interaction with respondents did not extend beyond the interview and *fika*.⁶

I also discovered there was paradoxically some merit to not having hunted myself and to be, in some ways, on the outside looking in on this culture. Some months into interviewing, I had amassed sufficient knowledge—however rudimentary and armchair-based—and the phraseology to keep up with respondents on a conversational level. At the same time, as if acknowledging

⁶ A Swedish word for, and social custom of, coffee-drinking with cake/sweet goods.

my novice status in the hunting world and my lack of situated knowledge (Haraway, 1988), respondents took the time to explain things to me.

One thing I noted, and arguably only partially overcame in the interview process, was, first, that my position as an outsider was inextricably tied to my status as an 'academic' and, second, that this status sometimes affected the social interaction in the interview. When interviewing hunters who also held academic backgrounds, our language sometimes subtly but often substantially differed from the language when interviewing hunters with non-academic backgrounds. The ostensive intellectualisation of language with these respondents appeared to have the following effect: it increased the distance between the respondent and the phenomenon he or she was describing.

To exemplify this, many of those with academic backgrounds who discussed illegal hunting, wildlife laws and democratic issues with me did so by framing their discourses as if to speak about *other people* and *societal phenomena* in a detached observer capacity. Indeed, they occasionally explained events like dissent and political developments as 'curiosities', how radicalisation processes take hold in society and they theorised on the interaction of groups in society from socio-psychological perspectives. One respondent, for example, got up to draw a sociological sketch of radicalisation on the white board in the room while interviewed. One possible explanation for this might be that the social interaction with me as a researcher and the sensitive interview topic prompted the need for respondents to channel a certain discursive authority and credibility to maintain integrity in the interaction (as in Medearis, 2005). Attempts were made to counter respondent detachment by connecting more to the respondent's personal experiences and values, but they often circled back to abstractions and speculation.

The intellectualisation of language may ostensibly be seen as a departure from phenomenological frames of eliciting the lived subjective lifeworld knowledge of respondents. But, for two reasons, I believe some respondents' detached way of speaking about hunters still imparted value. First, sayings were still phenomenological accounts, even if they represented another level of abstraction. As my findings show, relaying speculation about the conduct of other hunters represented a primary way of speaking for respondents. This is also the premise adopted by Pohja-Mykrä (2016a), who demonstrates that while they may be speaking about a hypothetical person, hunter respondents ultimately draw in their own values. This was a way of communicating that ensured a degree of anonymity for the respondent.

In fact, speaking about others rather than selves has been found to be an effective way of surveying respondents about issues of non-compliance with rules and/or environmentally harmful behaviours. Indeed, there are simply

many ways in which respondents can express themselves indirectly in sensitive questioning, or demonstrate affinity with someone's claims or acts, and this was therefore a particularly interesting one to encounter and decode. Hence, the results of this study may be "primarily speculative" as Kahler and Gore (2012, p.104) note of much current illegal hunting research. But it is so through the phenomenological lens of situated hunter respondents, and as such, their reflections are indexical of their own beliefs and experiences.

2.8 Ethical Dimensions of the Research

It is surprising to some that this research project has not undergone an ethical trial process with the University, despite what may ostensibly appear a highly sensitive research topic. This dimension has been circumvented because, as contended, the goal of the study is not to apprehend a ground-truthing estimate of the extent and perpetrators of illegal hunting in Sweden. I leave that mapping to BRÅ. Inasmuch as respondents in this study talk about illegal actions, they do so squarely behind a veil of ignorance (see also Scott, 1985): they reflect on hypotheticals; they refer to distant others or otherwise speak indirectly so as to not incriminate themselves.

Nevertheless, it has been important to accentuate to respondents their absolute anonymity prior to interviews, as well as the delicate processing of their interviews in audio and transcript formats alike: no uploading onto online clouds or relaying any information that could reveal their identity. It is for the same reason that all respondents in this study have been assigned male pronouns when presenting citations in the empirical chapters; given the scarcity of female hunters represented, I came to realise their connections to matters and specific experiences discussed required additional anonymisation.

In the empirical data chapters, hunters' quotes and reflections are also not tracked to a particular respondent (e.g. 'Respondent#3', or 'Hunter#32'). The latter may rightly be criticised for being unsystematic, but I had promised my respondents at the start of each interview that they would disappear, as individuals, into the research. To me, their opinions as a collective was more important. However, in the interest of data transparency, I make sure to note when a respondent authors several citations in one section, when he or she returns to or contradicts something they have said before, and I present his or her geographic, demographic or vocational background where this is important to the reflection (such as ex-military hunters reflecting on codes of conduct in hunting, or avid weapons collectors complaining about the police's lacking expertise in hunting weapons handling). Presented in this way, the attentive

reader may be able to find some continuity or patterns with certain respondents in certain places, but arguably not enough to get a sense of them as individuals.

The second ethical dimension to this research is on a higher level: what is it used for? For whom is it intended and whose interests will it serve? Hunters in this study have often broached these questions with me specifically. There has at times been a perhaps not unfounded fear that the conclusions and recommendations of this study be used against hunters, to put them in a bad light, to provide basis for additional restriction of hunters' liberties. There is no easy answer to this question other than that I of course have no intention of making things difficult for the hunting collective with my research. But I have also been wary about presenting it in opposite terms. That is, as research that is undertaken in their interest, in any close collaboration with the Hunting Associations, and which will directly improve things for the better. It has been neutrally presented as 'findings ways forward' in the wolf debate.

Ultimately, this connects to a larger question: what is the point about studying dissent in the first place? There are three distinct responses to this, where such research is seen to serve the interest of three different parties. First, and as endorsed by Marxists, the point may be taken to be the empowerment of the disenfranchised by articulating usable knowledge to facilitate collective action against the state. This is not what I want to do; I want to rather minimise extra-legal forms of dissent by expanding deliberative arenas to accommodate contestation in civil parameters (von Essen, 2016).

Second, it may alternatively be taken to enable the regulatory regime to more effectively deter dissent. Needless to say, it is not in this institutional criminological vein to which I wish to contribute recommendations, given an already long history of such research and, as noted, this approach predominates institutional responses to illegal hunting. Third and finally, the point may simply be to enable the broader public (academia, the state, and citizens) to develop a more discerning attitude toward various forms of dissent. Meaning, enabling them to respond to crimes of dissent and disenfranchisement that at first appear incomprehensible, criminal, disruptive and threatening to the social order (McAdam *et al.*, 2003). It is to this latter response that this dissertation joins: aimed at a critical-analytical empathetic reading of illegal hunting, which may in turn generate positive benefits for all parties.

2.9 Coding Interview Findings

Interviews yielded a large amount of qualitative narrative data. Transcripts were between 25-40 pages long and originally in Swedish, from which textual excerpts were cut and translated as needed for reference in the results chapter.

Rather than attempt a positivist measure of the *interrater reliability* of the data, that is, the degree to which analysts in a research team code the same data in the same way (Syed & Nelson, 2015), I open-coded all material myself. Rigor in this context did not mean developing a replicable coding system, as research shows reliable systems can be developed within research teams and yet miss the mark in getting to underlying meanings (Syed & Nelson, 2015).

The analytical strategy predominantly relied on theoretical propositions to discern salient themes (Chi, 1997). This was chosen over analytic strategies like time-series analysis, explanation building and rival explanation pattern matching (Yin, 2009). As principal researcher, however, I wish to emphasise that I became intimately familiar with interview transcripts over the course of the research and worked with them in some capacity before coding them for the purposes of this dissertation's analysis. This included considering them for other analyses, with slightly different analytical focuses, such as on just ethics, hunting norms, Marxism, historical materialism to name a few (von Essen & Allen, 2016c; von Essen & Allen, 2016b; von Essen & Hansen, 2016). During this time, a working coding manual began to take shape in my mind that helped clarify, but also constrain, what constituted interesting first order data.

The coding manual was also continuously informed by the process of a broader data collection from the field, which I have identified as desktop-based studies and through engagement with practitioners and hunters over the course of three years. This narrative that was developed was later be revised and formalised for the theoretical and analytical purposes of this dissertation (Braun & Clarke, 2006). As such, there was no exhaustion of empirical data but, gradually and increasingly, a purposive selection helped constitute the analysis. Although the interview guide already comprised a thematic division based on theoretical precepts (described above), the analysis departed from this structure to distil latent thematic categories that represented an additional matching of findings with theoretical propositions.

In the chapter following the presentation of the findings, another level of abstraction resulted into the formation of three main analytical themes that were tied more explicitly to theoretical propositions: (1) Illegal Hunting as a Crime of Dissent, (2) Illegal Hunting as Communicative Crime of Dissent, (3) Toward Reconciliation.

3 Theoretical Framework

The following chapter provides theoretical orientation within what can broadly be summarised as a deliberative theory of democracy. For expedience's sake, the chapter partitions this theory into in three chronological stages to correspond with what I perceive and take as the heuristic for the trajectory of the illegal hunting phenomenon in Sweden. The first section outlines Habermas' floorplan of the public sphere and the *theory of communicative action* as a foothold from which to explain the legitimacy crisis. In section two, *counterpublic theory* (with its origin in Negt & Kluge, 1972) is grafted as a critique onto Habermas' public sphere theory by noting how exclusions of categories within the public give rise to alternative public formations mobilised around the contestation of the hegemonic premises.

In the third and final stage, *deliberative disobedience* outlines the premises on which such dissent by hunters may plausibly be positioned. The counterpublic arena serves as a backdrop for many of these practices, and it shares a goal of deliberative disobedience to expand discursive space. Here, deliberative deficits following systematically distorted communication in conventional channels of the public and the system give rise to such formations and to deliberative dissent. To relate deliberative deficits to the rise of dissent, I draw on Smith's deliberative justification for disobedience, which is originally predicated on a republican theory of *democratic disobedience* (pioneered by Markovitz, 2005). As I will show, this deliberative rearticulation of dissent furnishes a unique understanding of illegal hunting as both a consequence of a deliberative deficit and as a potentially communicative act – if not categorically then systemically through its impact on the deliberative system (see for example, Dryzek, 2010, for such systemic appreciation).

By taking illegal hunting as not only an outcome and manifestation of deliberative deficits, but as a potentially communicative practice in itself, the research is uniquely positioned in the intersections of the academic field of Environmental Communication and Green Criminology. Discussions on the

theoretical implications of taking crimes of dissent as dialogue-by-other means by disenfranchised citizens can most be productively held in this unattended to disciplinary intersection. In the next section, theoretical positioning within these fields will be clarified, including identified relevant gaps in the research and intended contributions to the fields.

3.1 Positioning of Illegal Hunting within Environmental Communication

3.1.1 A Discipline Finding its Footing.

As an academic discipline, Environmental Communication (henceforth abbreviated as EC) denotes a nexus of approaches to understanding social interactions over the biosphere (Peterson *et al.*, 2004). As begets the name, the field traces much of its roots to communication theory and the philosophy of communication (Chang & Butchart, 2012). The year 1984 is generally taken as when EC emerged on its own footing distinct from communication theory through the publishing of Oravec's (1984) discourse analysis of the preservationist vs. conservationist discourses in early North American nature protection. EC continued to be strengthened through two traditions in the 1980s: that of rhetorical criticism and social constructivism. For a time, the field is seen to have comprised rather separate discourse communities (Cox & Depoe, 2015) not dissimilar to the "sterile eclecticism" that has characterised the communication science from which it originated (Craig, 1999, p. 122). In 2007 at the commencement of the *Journal of Environmental Communication*, then editor-in-chief Steven Depoe wrote that EC was to be taken as a conceptual nexus over theories on communication and the environment.

Today, Cox (2012) attributes two constitutive dimensions to EC: an analytical dimension that aims to *understand* communicative practices around environmental issues, and a dimension that seeks to *improve* the ways in which these are undertaken by the public and realised in society. Here, for example, illegal hunting would be either attempted to be better understood analytically, or we should aim to increase the effectiveness of either the regime's mitigation of the crime, or the rhetorical efficiency with which hunters disseminate and communicate their dissent through this act in the deliberative system.

In the 1990s, EC began to focus explicitly on disentangling the processes that result in hegemonic representations of the environment (Milstein, 2009a). Lexical choices and narrative practices were studied to understand the social construction of the environment (Hansen & Cox, 2015). It also examined how dominant discourses reproduce and legitimate structural harm toward the environment (Milstein, 2009a). As for example, in ecofeminists' critique the

language we apply to nature and wildlife embodies a logic of domination that blind us to the harms we commit, toward for example, animals in the discourse of the meat industry or in hunting (Kheel, 1995). Euphemising as a way to disguise the severity of one's actions toward wildlife will be seen in some of the neutralisations (Enticott, 2011), provided by hunters in this dissertation: such 'taking care of' the wolf once it strayed to where it should not go.

3.1.2 Current EC research directions

EC now has a broad mandate and an eclectic multidisciplinary structure, having matured through the broadening of its scope in recent decades (Hansen & Cox, 2015). One problematic dimension of such maturity is concept stretching (Sartori, 1970), where both communication and environment come to mean all things to all people. For example, EC concerns itself with and problematises participative processes in environmental planning (e.g. Norton, 2007; Walker, 2007; Norton, 1998), risk communication (Tong, 2014; Boholm, 2009), identity and social representations on the environment in the private sphere (Jaspal *et al.*, 2013), the constitutive role of rumours and narratives on natural resources (Bixler, 2013), rhetoric in nature conservation campaigns and advertising (Prelli & Winters, 2009), and hegemonic discourses on environmental issues (Wagner, 2008). Communication is on macro, meso and micro levels; it is verbal, textual or action-based; and communication is on, for, on behalf of, in contestation of, and about the environment. The result is prepositional scattering. Attempts to bridge EC with *theoretical* or *conceptual* frameworks have therefore been challenging, especially in trying to ground EC in some sort of normativity or direction as a discipline.

One conceptual juncture at which EC scholars seem to coalesce, however, is in their accentuation of a power dimension to communication on the environment. Milstein (2009a, p. 346) argues an ontological orientation within EC to understand discourse, both in terms of its material and symbolic properties, "necessarily bring issues of power to the forefront." Scholars now seek to uncover the ways in which power and communication intersect, and what implications such interaction has on individuals, institutions, society and above all on the environment. On a societal level of power and hegemony, EC scholars' attention to how discourses in the polity constrain actions, construct and naturalise perceptions on the environment (Bixler, 2013; Milstein, 2009b).

On a micro-level, EC has explored subtle facets of power through looking at how symbolic interactionism between communicating agents in a forum lead to conflict or cooperation over environmental matters (as by my colleagues Hallgren & Westberg, 2014; Ångman, 2013). In this endeavour, it has also critically analysed dialogue in terms of power sharing and resolving tensions

between stakeholders (Ganesh & Zoller, 2012), but also as seeing power as a relation between administrative authority and civil participants (Walker, 2004). Finally, EC has concerned itself with mapping and understanding where power in relation to environment and communication is exercised, in terms of arenas and settings in society. The public sphere has constituted the perhaps leading locus for such analyses, especially to deliberative democrats. But a trend toward politicising the private sphere in environmental issues has also invited the scrutiny of private practices and their impact on eco-politics (thus expanding boundaries of citizenship in e.g. Dobson, 2003; Mittelman, 1998). A predisposition that remains in EC, however, is that of seeing communication as normatively locutionary, i.e. constituted by language and speech. On this predisposition, silence, inaction, evasion and omissions become depoliticised, privatised or generally representative of disempowerment (Ferguson, 2002; Gray, 2015). I point this out here because in this dissertation, illegal hunting as ‘shoot, shovel and shut up’ can be powerfully communicative.

3.1.3 Environmental Communication and Eco-Advocacy

To the extent that EC offers pathways for facilitating our communication about and on behalf of the environment, it necessarily presupposes a certain suboptimality to the way in which this is currently done. This characteristic of improving upon present conditions has led some, notably Cox (2007), to declare it a crisis discipline, akin to for example conservation biology (Milstein, 2009a). It has risen as a response to not getting environmental management, in the broad sense, quite right. Indeed, much EC scholarship proceeds in a crisis discipline or ecopessimist vein (Oepen, 2000). But there are also internal critiques of the characterisation of EC as a crisis discipline.

For one, as Edelman (1974) and Stallings (1990) suggest, ‘crisis’ and ‘risk’ are discursive constructs, or at least notions that exist in and through the processes of discourse, often to serve the aim of a particular actor. Others have objected less to the underpinnings of crisis, but toward the implications of the signifier. For example, Senecah (2007) argues crisis binds scholars to a counterproductive adversarial stance. On the ideas of Beck’s (1992) Risk Society Theory, Hansen (2015) offers that with the characterisation of a crisis discipline, the problem has been predefined for the people and the future becomes a dystopia to be avoided. Likewise, caution is heeded over applying the environment-in-crisis rationale for EC where a more fruitful alternative might be in the reorientation toward communicating meaningfully with and helping those in crisis rebuild (Moser, 2015). Peterson *et al.* (2007) likewise affirm that EC has crisis underpinnings, but argues that this needs to be reconceived less in terms of the need to save the environment, and more in

terms of saving the human-nature relationship through a fortification of democracy over environmental issues. Scholars thereby advocate for more democratic and compassionate ways, respectively, of engaging the public on environmental issues, toward a more humanist EC where ‘opportunities’ and ‘solutions’ rather than ‘crises’ and ‘problems’ can be deliberated by citizens.

Most critiques seem to ignore the fundamental issue, however: that the term crisis discipline is meaningless for most human sciences as all have developed from problems and deficiencies in existing knowledge to address societal challenges and improve our understanding of social phenomenon. It reflects a modern preoccupation with crisis (Arnett & Arneson, 1999b). Indeed, it can be noted that the other disciplinary field in which this dissertation is set, criminology, has been couched in similar terms. MacDonell (1986, p.115) draws from Foucault in arguing criminology was developed in a “crisis of discipline” by state prisons: “...so urgently it was required that its knowledge was formed with no coherent framework and none has been acquired ever since.” To her, the ‘call’ for such a disciplinary field could only come from dominant powers imposing their ideology.

Certainly, there is reason to view any such rapid materialisation of a discipline with scepticism. The self-styled characterisation of EC as a crisis discipline imparts a potentially problematic direction to studies to change our relationship with the environment for the better, where ‘the better’ appears to have been pre-defined from an institutional vantage point. This normativity becomes particularly palpable when EC is relegated to a mere subcategory of development communication, like education for sustainable development (see Oepen, 2000). Such association implies activism rather than a discipline that fosters a critical understanding of differences in values over environmental issues like wildlife and so forth (Norton, 1998).

Even without explicit reference to EC as a toolkit for crisis communication, or as an outright remedy to an environmental crisis, the activist strand in EC provides strong direction for most scholars currently writing in the field and in the journal of EC. In the activist’s view, EC becomes about facilitating the implementation of environmental policy through an effective and audience-tailored communication strategy (Lindenfeld *et al.*, 2012). This view is no doubt a legacy of the strong rhetorical roots of the field. It has the implication of promoting scholarship that *prima facie* read as instructive texts that apply managerial rhetoric to enhance the persuasive power of environmental campaigns to various audiences (Brulle, 2010). Craig (1999) views such rhetoric as offering artifice, obfuscation and manipulation in pursuit of instrumental aims. This particular strand of EC, arguably less about capturing what citizens truly desire from governments and more about harnessing

gimmicks and catchphrases for rhetorical legitimation (see for example *Sultans of Sleaze* by Nelson, 1989) should no doubt be approached with caution. Less about communicating *about* the environment, it is communicating the environment or *for* the environment (OECD, 1999).

It is surprising to see the activist strand operate so pervasively in an academic discipline, given repeated cautions over equating EC with public relations (Lindenfeld *et al.*, 2012) and the actual inadequacy of awareness raising as a factor in changing people's behaviour. It is ironic that those analytical EC scholars who operate, for example, from the more analytically grounded power frameworks relayed above, take it as their task to uncover how certain rhetoric activates ideological systems of frames as means of political persuasion or advertisement (as in Idrissou *et al.*, 2011; Cozen, 2010; Lakoff, 2010; Alexander, 2008; Norton, 1998). They thereby study their colleagues, turning them into their research subjects.

In sum, then, there is a tension between EC's normative ambition in regard to promoting public efforts on protecting the environment on the one hand, and its analytical ambition to act as a critical set of perspectives on communication pertaining to the environment on the other hand. To be sure, it is not as if analytical perspectives are without normativity of their own. The deliberative democratic operates on some assumptions that other writers, also in EC, see as precarious (notably Peterson *et al.*, 2006; Mouffe, 1999), including the valorisation of a neutral consensus achieved among subjectless citizens untouched by power. There is reason to take stock of this critique, particularly as some findings in this research clearly show the downside to a democratic-theoretic paradigm that attaches normativity to the rational. For example, in the context of wildlife management, plainly *interested* and politically embedded actors often try to deceptively objectivise or de-bias their discourses to convey legitimacy as neutral interlocutors (von Essen, 2015; Marková, 2003).

The final normativity that needs to be exposed is arguably that which is entailed in the question *to what end* a democratic dialogue on environment issues is sought. Is it, as the activist strand presents, to serve the interests of nature herself, by having more people become aware of and therefore change their eco-behaviour? Or, is EC's call for public engagement at heart about valuing public participation as an end in itself, as creating sovereign authority and a politically active citizenry on common issues like natural resources? Is EC then a sub-branch of democratic theory with a mere contextual focus on environmental governance? Finally, might public participation be sought on a more instrumental institutional rationale predicated on the pragmatic observation that if people experience that they partake in and are being heard

on environmental issues, public bodies will have an easier time legitimating and ensuring compliance with policy (as observed by Dietz & Stern, 2008)?

It follows that depending on which rationale we subscribe to will determine how we view the communication that subsequently takes place between citizens. If the rationale is to provide minimal and tokenistic participation, the *ways* in which participants are engaged on environmental enterprises become less relevant – the main thing is they show up to legitimate the enterprise or communicate through voting on choices provided on a ballot. The way we view their participation is also contingent on one’s choice of democratic theory: republicanism, liberalism or deliberative democracy all have different demands and criteria for meaningful involvement of citizens. In Gray’s words (2015, p. 478) they “differ in their evaluation of what exactly should be expected of democratic citizens under conditions of modern mass democracy.” On the deliberative democratic model applied here, the quality of process of participation is that which matters. It is not enough that the public participates in environmental issues through meeting the minimum requirement of passive consultation or periodic disclosure about decisions taken by experts. Nor is it enough, as in pluralist theories of democracy, that they engage with the decision-making process if the latter is systemically under siege by non-deliberative forces: As is the case here, “powerful interest groups can circumvent the democratic process through tactics that disable citizens’ judgment – for example, by capturing bureaucrats and politicians, monopolizing expert opinion, or dominating media discussion” (Gray, 2015, p. 481). In brief, we seek a certain prescriptive moral quality to the democratic process that involves a baseline of deliberative equality and reason.

3.1.4 Contribution of Dissertation to Environmental Communication

A task of this dissertation is to uncover the sorts of deliberative deficits that cause hunters to turn away from institutional channels of public participation and voice and engage in dissent. The dissertation concerns deficits in all corners of the public sphere: not just in institutional publics for decision-making on wildlife management. But it surveys the breadth of communicative practices in the public sphere that hunters perceive as disenfranchising, including media representations, legal trials and conversations with conservationists on the wolf issue. It thereby joins systemic deliberative democrats examining a multiplicity of dialogue spaces from the formal to the informal, as well as how these interact (see Mansbridge *et al.*, 2012).

Within this, it looks critically at the types of discourses and rationalities that are asymmetrically privileged in various settings and which potentially enable the bypassing of deliberation. It operates from the point of view that many of

these deficits, rather than constituting human rights injustices akin to persecution or absence of the right to vote, are relatively subtle problems (Fraser, 1997). In Smith's (2013, p. 49) words: rather than being clear to all, these fine-grained deficits may require "sophisticated political argument or an informed analysis of institutional effects to diagnose."

The dissertation next looks at ways of contesting this current state of procedural injustices: if conventional and institutional channels are compromised, where might hunters go to publicise their contestation and critique of the current state of affairs? The answer, of course, is that there are many alternative channels at their disposal, all of which are sure to interest EC scholars: alternative media, civil society associations, direct bargaining with politicians, ombudsmen making inquiries and courtrooms (Pettit, 1999b) – but also less formal entitlements like rallies, protests, boycotts, sabotage or crimes of dissent. There is, simply, a variety of arenas for dissent to be utilised by the subaltern, though choice is conditioned by various factors (Martin, 2008). But the question that this dissertation is concerned with is: given the different structural characteristics of these channels (Medearis, 2005), are all of these outlets equally meaningful, desirable or productive for contestations by hunters? In short, which parts of the deliberative system are equipped for meaningful, desirable and productive contestations and which are problematic?

The latter three terms mean slightly different things. Meaningful refers to how dissenters value the usefulness of the particular channel as an arena in which they can voice dissent in ways that make sense to them (Young, 1996). Second, I take productive to refer to the systemic effects of engaging in dissent in a particular forum (Dryzek, 2010). By this is meant, even if the dissent itself falls short of deliberative standards, it may have positive deliberative effects in the systemic sense of forging a more inclusive societal debate at all levels. Such inclusivity of discourses enhances the deliberative quality of the system, opening up for the possibility that not "every political activity itself [need] be deliberative" (Gutmann & Thompson, 2004, p. 54). Or, as argued by Mansbridge (1999a, p. 224) "not that *every* interaction in the system exhibit mutual respect, consistency, acknowledgement, open-mindedness and moral economy, but that the system reflect those goods" (*italics added for emphasis*).

Of the technically lawful contestations, those protracted legal battles we will encounter when ENGOs appeal license hunts for wolves, while ostensibly satisfying categorical deliberative criteria, for example present little systemic value as outlets for contestation: one may argue that such juridification of wildlife management takes societal issues away from the people into an elitist judiciary sphere accessible only to those of a certain standing (as in the U.S. courtroom wolf management explored by Olson *et al.*, 2014). Media tactics,

further, are sensationalist and non-deliberative (Pellizzoni, 2003). They often contribute to polarisation of positions in society following dramaturgical presentations of cultural stereotypes, as has been noted occurs in the wolf conservation conflict (Hagstedt & Korsell, 2012). Finally, as far as unlawful modes of contesting go, crimes of dissent often involve a great deal of risk in terms of personal harm, the misinterpretation of one's message, collateral damage and the kind of extremism that is likely to escalate conflict situations (Thomassen, 2007; Vanderheiden, 2005). They may be neither productive nor desirable because they do not honour the kind of civility, reciprocity or mutual public respect that is conducive to keeping the public conversation going (Arnett & Arneson, 1999b). They displace dialogue to parts of the system where there is no onus on contestation to proceed civilly or deliberatively.

The productiveness, i.e. the success of securing outcomes, of these alternative channels for contestation is not given. Some dissent may incur short-term gains for the persons that deploy them or provide immediate discursive openings by shaking up inertia and disseminating contestations in sensationalist ways (Brownlee, 2012a; Knight & Greenberg, 2002). In Humphrey and Stears (2006, p. 407), they are seen to "kick-start the process of reconsideration." But crimes of dissent that already take place in the peripheries of the deliberative system typically result in the further marginalisation of dissenting citizens from the public sphere (Krange & Skogen, 2011). They can be damaging for dissenters and damaging for the deliberative system as a whole. Indeed, the less deliberative these modes of contestation become – in terms of their reciprocity, accountability and reasoning among heterogeneous others – the further we move from a common ground. So if what one wants to achieve with such dissent is the increased inclusiveness of the public debate, the uptake of one's voice and the reconsideration by the democratic sovereignty of one's position on a contested issue (Markovitz, 2005), it is not certain that all of these conduits of contestation are equally productive ways of going about this aim.

The second contribution of this dissertation is in critically presenting the societal implications of citizens utilising crimes as alternative modes of dialogue when conventional channels for public participation are systematically distorted. What is the normative significance of an increasing number of citizens, in the words of Gest and Gray (2015, p. 466) "turning to acts that bypass electoral politics to challenge politicians and elites more directly, including abstentions, boycotts, vigils, petitions, and social media"? Third and finally, the dissertation joins the second constitutive dimension of EC scholarship by providing recommendations for alternative fora as means of emancipation from distorted channels. In the final chapter of the dissertation, potential ways forward to for

engaging hunters in platforms that are set up so as to minimise systematically distorted communication and dissuade hunters from going outside of them. It presupposes there is the potential for reconciliation with the system, which is discussed in counterpublic theory. Based on the systematically distorted communication identified as constitutive of the deliberative deficits here, my recommendations for such reconciliation will draw from deliberative mini-publics (see Böker & Elstub, 2015; Dryzek & Tucker, 2008; Luskin *et al.*, 2002) and incorporate features of deliberative contestation (Pettit, 1999a) to provide arenas which citizen voices can be heard, subjected to rational scrutiny, and where political representatives can be held accountable for their decisions.

3.1.5 Contribution to Dialogicality of Acts

The dissertation also has a loftier theoretical ambition for the EC field. This is to contribute to a discussion on how we conceive of the dialogic characteristics of crimes of dissent. Are they common crimes or politics of conscience (Brownlee, 2012a)? Which characteristics mediate their position as a public expression of disapproval to be responded to politically versus, for example, a private and selfishly-motivated ‘common crime’ to be dealt with in the criminal justice apparatus? Debating the dialogic characteristics of dissent is mostly a new challenge for EC in the way intended here. But, to be sure, a branch of agonistic communication scholars, notably Young (2000) and pluralistic agonists like Mouffe (1999), have called for being more accommodating with the definition of dialogue and politics in a way that points in this direction (Knight & Greenberg, 2002). Indeed, it ostensibly points away from deliberative democracy to theoretical traditions better equipped to address ‘no-saying’ by citizens (White & Farr, 2012).

Importantly, operating from a deliberative normativity with necessarily narrow parameters for what is to be considered prescriptive dialogue (in the sense of constituting an ideal to be met, as per Stewart and Zediker, 2000), means the dissertation sees the legitimation of crimes of dissent as dialogic as precarious (von Essen, 2016). Civil disobedience may be taken as communicative through dissenters engaging authorities in a moral dialogue (Smith, 2011), but as I will show, the fact that much of hunters’ dissent stop short of criteria for civil disobedience necessitates an analytical perspective that can discuss dialogic features of less pure forms of political protest. For example, in harnessing the right perspective from EC, disengagement like non-cooperation, evasion, silence, boycotts and other forms of non-compliance can be taken to speak loudly as do positive modes of political communication (Martin & Varney, 2003a). They possess productivity and meaning on the view that a void in communication is still communicating something (Chang &

Butchart, 2012; Craig, 2009). On Warren's words (2011, p. 696) exit has communicative content "because every act, including an act of exit, leaves communicative traces" (p. 696). This argument promisingly counters a predisposition in EC and communication studies generally to locate communication as purely within or constituted by language.

But in line with my self-objections based methodology, I will also problematise the interpretation of illegal hunting as political dialogue by drawing attention both to the practical and theoretical implications of imbuing crimes of dissent with a dialogic condition – e.g. as just any other way of doing politics on the environment when conventional modes of address fail (von Essen, 2016). On D'Arcy's (2007, p. 6) argumentation, it may be easy to explain what is democratic about the *arguments* put forward by hunters regarding their disenfranchisement, but it is less straightforward to justify their *ways* of communicating these arguments – indeed, their brand of dissent to publicise these – as especially democratic in character.

Engaging with this objection necessarily opens the door to the debate between pluralistic agonists – who stretch the concept of dialogue to include dissent, protest and adversarial politics of the kind found here – and deliberative democrats – who restrain dialogue to the civil and rational (D'Arcy, 2007). In brief, agonists argue for taking non-lawful contestations as dialogic events of import and merit (Ganesh & Zoller, 2012). This is grounded in a critique of deliberation's "excessive behavioural limitations" for dialogue (Humphrey & Stears, 2006, p. 419), which are seen as unrealistic in pluralistic societies (perhaps most seminally by Mouffe, 1999). Agonists make some important points in regard to deliberative ideals, but ultimately miss the mark. Within this, my contribution is in discussing the unintended normalisation of crimes of dissent that follows from sanctioning coercive, violent, semi-private or otherwise non-deliberative modes of dissent as dialogue. Indeed, my critique is that it is a poststructuralist tendency that absolves responsibility for attending to the deliberative deficits that have driven dissenters to such expressions.

3.1.6 Contribution to green criminology

Finally, theoretical contributions will also be made to the field of green criminology. By examining crimes of dissent in the environmental context for their dialogic characteristics as well as the deficits that conditioned their rise, a more discerning understanding of crimes of dissent can be cultivated. This has profound bearing as understanding these individuals as political dissenters or criminals determines how they are received by society in the criminal justice sense (Ceva, 2015). Should they be penalised, punished, or dialogically

engaged with? Habermas saw the matter of how we treat our dissenters as a litmus test for the maturity of democracy (Habermas, 1985).

Although criminology is concerned with the intersections of culture and crime, including crimes of dissent (Ferrell, 1999), there has been a minimal interest in understanding crimes as communicative (see for example Innes, 2004 & Wee, 2004, for two admirable efforts), much less environmental crimes. To be sure, the attribution of a communicative dimension to punishment through its censure characteristics is now canonical (Wringe, 2012; Duff, 2003). But less is said about such elements to *crimes*. Green criminologists posit this may be the case partly because environmental harms are difficult to monitor and detect, relying almost solely on self-reporting (Becker, 2014). In effect, there is an element to environmental harm that its offenders necessarily want remain hidden. Nevertheless, I contend that criminology does in fact offer a promising, if undeveloped foundation, on which to cultivate such an analytical perspective on the communicativeness of crimes of dissent.

Indeed, insofar as crimes of dissent in any way ‘communicates’ with the state or the wider public, we need not look further than criminology’s social semiotics turn in concepts like message crimes and signal crimes. In both these cases, albeit in different ways, crimes of dissent signal or communicate something beyond their immediate characteristics (Innes, 2014). Hate crimes, for one, are an example of a message crime where the victim itself may not be of great significance, but is used partly as a vehicle to conveying a statement. That illegal hunting may qualify as a message crime has been hinted at by The Swedish National Council for Crime Prevention as a constituent to illegal hunting of wolves in Sweden (Pyka *et al.*, 2007). It is further substantiated by Tønnessen (2010b) and Hagstedt and Korsell (2012) in the same context.

In signal crimes, by contrast, dissenters have relatively little control over the message of their crime as it is mediated. Instead the meaning behind acts is semiotically co-constructed or signalled by the receiving context or audience (Innes, 2014). Innes (2004, p. 353) writes that this perspective “construes criminal conduct as forms of communicative action that are interpreted by individuals and collective as indicators.” Indeed, when Scott (1985) talks about acts of everyday resistance, he uses the term ‘signal’ to denote how a pattern of such acts are collectively interpreted. The process of signification looks different depending on vantage point. To disenfranchised hunters, for example, the signal of an illegal wolf kill and its subsequent treatment in the criminal justice system may be in that wildlife management policy and its institutions are so corrupt, people are forced to fend for themselves in the countryside. But to the regulatory regime, the occurrence of illegal hunting may signal lacking law enforcement, corruption at local levels or simply ignorant hunters. It may

hopefully also point to defective background conditions in the state apparatus, including the failure of current regulation to command moral legitimacy. Tønnessen (2010b) sees that depending on the signifier's position and agenda, illegal hunting may signal to the authorities the need for: adjusting enforcement; adjusting letter of the law; adjusting the way regulations are communicated to the public; actively engaging in the conflict; or acknowledging that the contradiction between the intention of the law and its public perception is unfortunate but unavoidable.

Because this dissertation works from the assumption that illegal hunting is a signal crime, it itself constitutes a principal forging link in the signification chain. It suggests illegal hunting signals an exit from the public sphere, which in turns signals a legitimacy deficit on the part of public institutions to underwrite regulation in moral terms and cultural praxis. The qualities of illegal hunting that have high signal value, to borrow Slovic's (2002) terms, will be identified and clarified in the analysis chapters of the dissertation.

In what follows, the floor plan of the public sphere is sketched out to show how dissent may be spatially conditioned in the deliberative system as a result of exclusions, deficits and distortions in the hegemonic public sphere.

3.2 Habermas' Public Sphere Theory

In the *Structural Transformation of the Public Sphere*, Habermas charted the rise, transformation and disintegration of the public sphere. In the golden age of participation, which he has described as "one blissful moment in the long history of capitalist development" (Habermas, 1989, p. 79), the public sphere was a free and unconstrained site between church and state where private persons could deliberate publicly as citizens on common issues. An active bourgeois constituted the public sphere through discursive practices that took place in venues like journals, newspapers, pubs and coffee houses, salons, public assemblies and political clubs. Its purpose, simply, was to serve as a space for rational-critical, informed processes of opinion formation throughout the polity. The public furnished a horizon of shared meanings and communicative, intersubjective resources for reaching mutual understanding. It is at once normative and historical.

It is important to note that the public sphere cannot automatically be reconciled as a space or entity. It is better understood from a process ontology where the public sphere is something being done. Indeed, when individuals' dialogic activities do not satisfy the conditions for 'doing' the public sphere, they may better be thought of as participants in civil society. When this dialogue takes on a political or abstract character that transcends the

particularistic-local, one becomes a participant in the public. To systemic deliberative democrats like Dryzek (2010) and Bächtiger *et al.* (2010, p.54), the type of talk “that cannot connect to the particular to the general” are excluded from the remit of public talk. Hence, discussing wolves themselves is not necessarily a public dialogue, but connecting the discussion to wolf policy’s effect on the countryside is. To this end, such particularistic conversations typically morph into the public at the level of its *weak* or *informal* public. This is in contrast to debate in parliamentary circles which could be characterised as *formal, strong* public with decision-making capacity. The floor plan of the public sphere is hence a two-tier public, which denotes a site of political will that can both challenge and legitimate legal institutions in society. I emphasise Habermas’ systemic conception of the public sphere, where he refers to, in Dahlberg’s (2014, p. 112) words: “the whole array of complex networks of multiple and overlapping publics constituted through the critical communication of individuals, associations, social movements, journalistic enterprises and other civic institutions.”

Through its two-tier design, the public sphere also provides a context of discovery of societal issues by permitting the detection of problems at the grassroots level. In so doing, the public is an important “warning system with sensors” (Habermas, 1996, p. 359). Specifically, protest and disobedience function as a conveyor belt that take concerns from the peripheries of the public sphere into the centre where they can be deliberated (Smith, 2013b). Flynn (2004, p. 441) writes that the public sphere is something more than merely an arena for political talk, by providing a site responsible for “generating radical-democratic impulses.” Habermas views peripheries of the public sphere as essential because of their greater sensitivity and ability to transmit concerns to the political core, for example, through disobedience.

In contrast to formal publics on the institutional level, the broad informal public sphere is freed from the burden of decision-making. As contended above, they are rather about opinion- and deliberation-making. Relieved of this decision-making obligation, debates in the public sphere are seen to have an intellectualising effect (Habermas, 1996). The public sphere is thereby a site for emancipation (Kemmis & McTaggart, 2013). As such, it stands in marked opposition to the system, comprised by institutions which are guided by a special code that follows a logic of efficiency and instrumental rationality. In the second volume of the Theory of Communicative Action (TCA), Habermas equates the system with the domain of formal-bureaucratic structures.

In the system’s instrumental rationality, importantly, action is transferred from intersubjective reason to steering media (money, rhetoric, influence etc.). Habermas sees society decoupled in the form of a lifeworld comprised of

values and understandings that develop as a result of sustained intersubjective communication, and the system coordinated by non-deliberative steering media that does not turn on the basis of intersubjective validity claims (Habermas, 1962). This decoupling partly is necessary in large modern societies, but it is not without its problems. The crisis, as Habermas envisions it more explicitly in TCA, is in the form of a colonisation of the lifeworld by the system, restricting the available rationalities and shifting public debate back into parliamentary circles (Habermas, 1962).

The modern crisis may be seen as a process of refeudalisation insofar as it reverses emancipation. Private interests dislodge from the public sphere where they can be deliberated under rational scrutiny of others and become increasingly controlled by the state. In effect, refeudalisation in modernity has entailed the loss of horizontal communication between citizens and the domination of vertical communication between mass media, state and consumers. The public is essentially left to approve expert-based government decisions (Samuel-Azran, 2009). The system increasingly prevails at the expense of the life-world. Crucially, however, because the system is dependent on the legitimacy furnished by communicative rationality of the lifeworld and cannot per definition supply its own alternative, the colonisation of the life-world by the stem is ultimately counterproductive for society as a whole.

Habermas sees communicative rationality as means by which the life-world and the system can be bridged in a constructive capacity and legitimacy re-attained, as outlined in TCA. In his later writings, he restates this as *communicative power* authorising the legislature by validating it discursively in intersubjective validity claims. He borrows this reformulation from Hannah Arendt and connects it similarly to public use of reason. The preconditions for this are firmly rooted in a vibrant and free public sphere: “A communicative power of this kind can develop only in undeformed public spheres; it can issue only from structures of undamaged intersubjectivity found in nondistorted communication” (Habermas, 1996, p. 148). Whether taken as communicative power or communicative rationality, it is the primary resource by which the lifeworld that can counteract the increasingly norm-free steering and bypassing of deliberation by the instrumental rationality of the system. In his mature political theory, *Between Facts and Norms* (1996), Habermas becomes more explicit about the capacity of communicative rationality to legitimate the system through validity claims. This is done, he argues, through the medium of law, provided that law-making is backed by practical discourse on the rightness of norms that allows for the scrutiny of validity claims. If this is done, law functions as a mediator between the life-world and the system by translating

normative language messages into a legal code that can integrate with the steering media of money and power employed by the system.

With this sketch in mind, one central contention that I draw from is that it is not certain that the public sphere as Habermas envisions it is able to serve as a site of undistorted communication in a sufficiently robust way to meet the challenge in modern societies. I do not mean this in the sense that such dialogue is categorically utopian or impossible, like pluralistic agonists have objected (Mouffe, 1999). Nor do I share Pettit's (1999b) neo-republican scepticism toward the capacity of the public sphere to provide contestatory function. Although I am emphatic such a function needs to be nurtured by the right scaffold for a certain quality of dialogue to take place. Rather I take this along Fraser (1990) lines, and indeed Habermas' own built-in admissions, that many deficits and exclusions challenge the ability of the public sphere to serve its intended purpose as a site for the critical circulation of intersubjective validity claims. This much is manifest in systematically distorted communication across public policies today (Blaakman, 2012). This encroachment of instrumental rationality is the most pressing challenge, and it is manifested in the increased authority of non-deliberative, instrumental media in settings that should be governed deliberatively by force of the better argument; for one, the voice of scientific experts, the elite and administrative powers exert undue influence on communicative processes in every nook and cranny of the public sphere. Their hegemony is infectious, resulting in citizens playing by the rules of the game set by experts (von Essen, 2015).

Rather than validity achieved through public reason, a distorted kind of validity is seen to come from either non-deliberative media or, at best, from the use of particular *kinds* of reasons. Because it is only the intersubjective lifeworld that can provide society-wide integration and legitimacy, and colonised zones possess no alternative source of legitimation, a crisis of legitimacy ensues. As contended, legislature loses its role as mediator between the lifeworld and the system by divorcing from cultural and moral domains. Without adequate legitimation of law, common issues are relegated to be resolved either by technocrats (Elling, 2008) and or by civil society formations, where coercive and unreflective forces operate (von Essen & Hansen, 2015).

3.2.1 The Habermasian Public Sphere under Critique

Habermas' conception of the public sphere and its associated crisis has fostered various revisions, including by himself in his later works. Its detractors nonetheless underscore its impact and it is difficult to overstate the contribution of the normative theory to critical discussions and further research on deliberative democracy. Its impact notwithstanding, scholars of democratic

theory and practice suggest that the public sphere in the first place is heavily idealised and its exclusions glossed over (see for example Asen & Brouwer, 2001; Fraser, 1990). Green (2013), for example, joins poststructuralist critique by suggesting the choice metaphor of a sphere to which all have access better needs to be reconsidered as a stage onto which access is partially restricted.

On this view, the very premises of ‘public’ are exclusionary inasmuch as the public, in contrast to the feminine and ‘weak’ private sphere, provides a site of emancipation and freedom through reason (Shafir, 1998). In his 1989 revision of his magnum opus *The Structural Transformation of the Public Sphere*, Habermas concedes the idealisation of his public into “a stylized picture of the liberal elements of the bourgeois public sphere” (Habermas, 1989, p. xix). Its rational-critical debate was inextricable from the Western bourgeois, masculine world of education and letter-writing.

The refrain of poststructuralist consensus critics has been that this constitution of the public excludes the subaltern, who advocate abandoning what they see as hegemonic reason and mutual understanding to the point of total relativism (Sanders, 1997). An arguably more constructive body of deliberative scholars argue that while these critiques of the public sphere are not baseless, there is also a logic of public plurality that can self-correct these exclusions. These deliberative democrats offer an expansion of deliberative theory “to account for the politics of deliberative exclusion in practice, conceptualising how voices illegitimately excluded from public sphere may contest their exclusion and become heard” (Dahlberg, 2013, p. 26). Difference democrats have thus observed that even in the golden age of participation, the public sphere was something of a wild public (Young, 1987) constituted by pluralism and tumult, allowing divergent discursive styles. On this view, Habermas’ equation of such multiplicity with the universalising ideal of the single public may be criticised for representing an ad hoc screening and distortion of its actual floorplan. As Fraser (1992, p. 116) writes, Habermas’ theoretical model of the public sphere “was importantly constituted by a number of significant exclusions.” But at any one time, there existed multiple publics that could provide the impetus for democratisation.

More importantly, Fraser and others argue, these plural publics fray with each other in contestatory relations through counter-discourses (Ferguson, 2010). The critique toward Habermas then becomes not that the public sphere is an impossibility, but that he fails to examine competing non-liberal, non-bourgeois publics as both historical features and as normative resources for democratisation in the present (Duvenage, 2005; Fraser, 1990). This omission brackets status differences and inequalities of access to the political arena, including class and gender. Although Habermas is cognizant of their

marginalisation, scholars suggest that he has failed to appreciate the full significance of the issue (e.g. Thompson, 1995). Rather than contestation *between* publics, Habermas seems to consider it the task of the hegemonic public to reproduce the egalitarian logic of the public sphere, chiefly through self-criticism toward its exclusionary leanings (Smith, 2011). This may obscure the fact that Habermas is also optimistic about the role of non-deliberative forms of action to correct exclusions, like that of civil disobedience. But this is not to help cultivate a wilder public, but rather as a way toward taming it. Such disobedience must be aimed “at some later point, an authentically deliberative process of legitimate decision-making” (D’Arcy, 2007, p.12).

Habermas’ faith in civil disobedience to correct exclusions in the public sphere and to improve the epistemic deliberative capacity of society is imperative to keep in mind here, because it provides a basis from which to argue for a systemic deliberative perspective on e.g. dissent and counterpolitics – as non-deliberative in the short term, but as contributing to a potentially more deliberatively inclusive public sphere in the long term (see also Toepfl and Piwoni, 2015, on the “poor deliberative quality” of counterpublics but their consequential and enriching effects on the polity as a whole, p. 483). Before this, however, we must ask if the implication on Habermas’ view of the legitimacy crisis is that the hegemonic public sphere is divested of communicative power and compromised by steering media, what does it do to the situation for alternative publics? Is it possible that they rise to the fore as correctives in such conditions? What might such a corrective look like?

3.3 Counterpublic Theory

The term counterpublic (*Gegenöffentlichkeit*) was not in fact pioneered by Fraser in the 1990s, but first appeared in Negt and Kluge’s *Public Sphere and Experience* (1972) as an alternative discursive site to Habermas’ public sphere. A counterpublic sphere was seen as a deterritoralised rallying point comprising the disenfranchised, hidden or inarticulate voices in a public that was dominated by one narrow type of rationality or discourse – in this case a liberal-bourgeois one. Writing their critique in the 1970s, Negt and Kluge (1972) construed this parallel sphere as a proletarian public sphere characterised by a defensive stance toward the rest of society and its push for capitalistic progress. It was mobilised on the basis of marginalised voices in the bourgeois public, which in their view was characterised by dominant capitalist communication, goals and interests. The concept of counterpublic was then, and continues to be, inextricably linked to issues of power, class and exclusion

among citizens whereby counterpublics rise as alternatives defined by contrariety (Porrovecchio, 2007; Meehan, 1995).

For the past two decades, the term counterpublic has been subject to somewhat contradictory interpretations; scholars have emphasised their existence as largely textual, rhetorical media entities (Chávez, 2011; Porrovecchio, 2007; Wimmer, 2005) to the point where they are dependent on the attention paid to them. Others have stressed the materiality of their practice, including concrete micro-spaces or symbolic sites (Sziarto & Leitner, 2010; Warner, 2005; Asen & Brouwer, 2001). Common to interpretations is the recognition that they serve as responses to the marginalisation of groups in society in times of ideological, economic, political legitimacy crisis (Fenton & Downey, 2003; Asen, 2000). In Negt and Kluge, this was the crisis of the capitalist economic system. What is important to note is that they are not social movements with substantive, unitary aims (von Essen *et al.*, 2015a).

Indeed, counterpublics often have diverse motivations, backgrounds and discourses and exhibit tensions and heterogeneity same as any public (Waisanen, 2012; Peshkopia, 2008; Warner, 2005). This means attempts to essentialise counterpublics as persons, places or topics must be refuted (Porrovecchio, 2007). It is for this reason that I prefer to talk about counterpublic participants rather than members, reflecting the circulation of the individuals that partake at various times depending on the type of talk, the content of the talk, and the manner of association around it. This stems from counterpublic's *public* character; to recall, one 'does' the public when one's discussion takes on an abstract and (counter-)political quality that transcends the particular. A counterpublic is thereby established whenever participants abstract particular injustices to a level of a broader political predicament.

Insofar as any distinguishing substantive elements can be discerned, counterpublics often exhibit distrust of grand narratives including capitalistic progress and the dominant ideology (Negt & Kluge, 1972). They may involve a defensive character toward top-down attempts at re-ordering structures. Indeed, rather than motivated on the basis of progressive 'new' social orders, they may in rare cases defend existing orders and their participants' place in an idealised, foregone version of it (as the type of dissent explored by Davidson, 2013). Popular peasant counterpublics, for example, often broadcast a valorisation of the rural and the agrarian (DeLuca & Peeples, 2002). However, topics and subjects are highly variable, and it is easier to identify a counterpublic on an epistemic ontology; as Toepfl and Piwoni (2015) write, hallmarks of counterpolitics include deconstruction of power relationships with a superior public sphere, the providing of counter-arguments to challenge consensus, and the strengthening of the collective identity of the public.

Counterpublics possess characteristics of conscientious objection by being anti-institutional and by rejecting traditional channels of participation (Wimmer, 2005). Mansbridge (1996) sees these as a distinct breed of public, called *satellite publics*, which distance themselves from interdependency with other publics and take pride in autonomy and apartness. Counterpublics, on the other hand, rather than aim for a wholesale condemnation of public, fundamentally want to expand the discursive arena and, in some measure, reintegrate into the public as a corrective to the deliberative deficit that prompted their rise. Counterpublic theory thus presupposes the recognition of common ground and operate with a background commitment to deliberative-democratic norms; in fact, they aim at increased inclusivity in the deliberative system as a whole. Their dissent “works toward the realignment of common sense” (Ivie, 2015, p. 51). Indeed, counterpublics seek to contest and reframe “what counts as a public matter” (Fraser, 1992, p. 128), rather than reject the notion of the public as a normative resource for a democracy. This is an important point that distinguishes critical theory’s counterpublic critique from poststructuralist critique, which aims as a deconstruction of the common.

To this end, re-integration in the public is not always visible on the level of individual counterpublic participants. That is to say, the counter element may be strong and used to uphold denunciation of the public, even if future reconciliation is ultimately sought. Waisanen (2012), for example, notes that truckers as a counterpublic functioned as a frontier between US citizens and immigrant enemies and were characterised by a certain desire to retain an outlaw status while adapting to civil-civic premises. Hence, as Sziarto and Leitner (2010, p. 383) contend, beyond reintegration, counterpublics denote “simultaneous attachment to and critique” of the notion of public.

The element of disengagement from public arenas means that counterpublics sometimes use quasi-private settings as sites of insulation from the hegemonic public (Mansbridge, 1996). Such protected enclaves and hidden communication networks permit the reformulation of identities injured through misrecognition or lack of voice in the hegemonic public. Fraser (1990), arguably the most influential deployer of the term after Negt and Kluge, terms the presence of counterpublics subaltern politics, in which marginalised groups can reformulate oppositional interpretations of their interests, needs and identities in safe enclaves. These may also become the host for more directed political action predicated upon alternative formulations. This has been critical for the success (in the form of integration into a hegemonic public) of various identity-based counterpublics historically: religious minorities, women, immigrants, homosexuals and excluded ethnicities (Squires, 2002).

Counterpublics allow disenfranchised social groups to publicise oppositional interpretations of their interests and needs in times of crisis of the public sphere, a crisis following its distorted communication or exclusions of groups (Warner, 2005; Asen, 2000; Fraser, 1990). Publication may sometimes even be literal, such as Soviet dissenters circulating their recalcitrant thoughts in a genre of dissident writing, *samizdat* (Martin, 2008). As Samuel-Azran (2011, p. 258) contends, using Al-Jazeera as a recent example, counterpublics expressly seek to provide debate that “covers issues that are missing from, distorted by or in opposition to those upheld by the mainstream.”

3.3.1 Rise of Counterpublics

To understand how deliberative deficits in the deliberative system promote the rise of counterpublics, I want to foreground two of Habermas’ observations in particular. The first is that the hegemonic public sphere has undergone a narrowing of debate which has restricted the types of rationalities that can be meaningfully accommodated within the public. To recall, colonisation may occur as a result of instrumental rationality encroaching on the lifeworld, which can no longer serve as a sphere for rational-critical and intersubjective dialogue that can inform decision making (Hess, 2011; Habermas, 1987; Habermas, 1984). At the same time, the colonisation of this lifeworld setting by the system means that there are fewer public venues available in which rational debate can take place without the *de facto* supervision of dominant groups and their orthodoxies and privileged discourses (Fraser, 1990).

Second, and relatedly, with the privileging of a certain discourse, the public effectively excludes subordinate groups in society by foreclosing alternative voices, namely those unwilling or undisposed to utilise it (Qian, 2014). They are bereaved of a voice on the same premises as hegemonic public citizens and may instead be forced to submit to working within the narrow parameters of the dominating rationality or class, as in Negt and Kluge’s critique of Habermas. When these conditions are met, the public undergoes a crisis of legitimacy, manifested by growth of apathy and cynicism, but also by grassroots activism and populism, which for the purposes here may be understood as expressions of disenfranchisement (Fenton & Downey, 2003). At this point, the public and the system may be questioned as regard to their democratic credentials, particularly if this public is intended in some measure to authorise legislature (as Habermas envisions). A response in the form of a counterpublic may emerge to contest the premises of the public by constituting an alternate public formation (Eckert & Chadha, 2013).

It is finally important to state that counterpublics do not materialise *ex nihilo* following these deliberative deficits of the public sphere. Counterpublics

assemble as networks of individuals and organisations shear off from the public and bridge sectional interests (Hess, 2011). This does not happen overnight, and typically involves addressing the oppositional culture, self-identifying, and physically assembling an audience for further recruitment. More fruitfully, however, they may be thought of as having subcultural roots; while they “are not the same as subcultures, the former must have a constitutive link to the latter” (Ferguson, 2010, p. 199). In the end, this may be a mutually constitutive and non-linear process of creation. As Fenton and Downey (2003) conjecture, counterpublics may be extant but dormant and activated in times of particular ideological, economic or political crisis that testifies to the inadequacy of previous orders, like how the proletariat rose from the exclusions of the capitalist public sphere in Negt and Kluge.

3.3.2 Implications of Counterpublics

At its simplest individual level counterpublics may offer its participants solidarity in a shared experience of disenfranchisement among subalterns (von Essen *et al.*, 2015a). In the Hegelian notion of recognition, participation in a counterpublic can be read as a way for participants to collectively constitute and transform their identities into something productive and positive that they are able to publicise in a counterpublic sphere (Warner, 2005; Honneth, 1995). Negt and Kluge (1972) professed the productive possibilities of counterpublics as political initiatives. Since then they have been seen as vital impulses to democratisation (as by Fenton & Downey, 2003; DeLuca & Peeples, 2002) as expansions of discursive space in society (as by Asen, 2000) and as potential correctives and innovators to the political order (as by Wimmer, 2005). This sets counterpublic apart from subcultures and countercultures in allowing participants to form part of a public sphere of their own making that grants them authenticity as citizens. Rather than the pursuit of narrow, substantive goals, counterpublics seek to expand, repair or reinvigorate the public.

On the face of it, counterpublics appear to have democratic aims, even if their means of getting there – through popular protest, boycotts and crimes of dissent – proceed by sometimes highly non-deliberative standards. They rely on “forces other than the force of the better argument” (D’Arcy, 2007, p.8). This idiosyncrasy can be partly resolved through Dryzek’s (2010) distinction between acts of deliberation that are categorically or systemically deliberative. Most dissent within a counterpublic is not categorically deliberative, but may likewise possess *systemic* value in promoting the inclusiveness of the deliberative system (as argued for example by Smith & Brassett, 2013). Thus, counterpublics and their politics may be understood as fitting in Habermas’ protest sector of the public sphere. The systemic value may be achieved in two

dimensions: the vertical, in opening up channels of communication between civil society and state authorities and decision-makers: and horizontal, in stimulating communication within civil society itself.

To be sure, the systemic interpretation of the value of counterpublics is a sympathetic account that may obscure the fact that the benefits of counterpublic may be purchased at a high cost, particularly for its participants. The relative autonomy provided by the alternative discursive arena can further restrict access to conventional channels of participation. Krange and Skogen (2011), for example, use Willis (1977) Hammertown mechanism to explain how hunting movements in opposition to large carnivore conservation in the Nordic countries may be successful on the level of achieving a certain autonomy through its subculture and subsequent politicisation, but that the discursive practices undertaken necessarily precludes access to key sites.

Turning toward a counterpublic enclave may also result in unanticipated dangers following the distorting effect of peer homogenisation (Huijun, 2010). Insofar as counterpublics have risen in contestation of dominant premises, its contestatory capacity is undermined to the extent counterpublics become mere echo-chambers preaching to the converted. That is to say, the disengaging characteristics of counterpublics may result in the kind of enclaving behaviour that takes hunters further away from the public debate. The dangers of this can best be elucidated in Sunstein's (2002) law of group polarisation. Here, the lack of rational scrutiny in affinity groups has a distorting and hardening effect on discourse. Indeed, even if one had access to an absolute truth, ideological homophily and the failure to engage contrary views will result in the shifting of one's view toward extremity and ultimate loss of truth. As will be demonstrated, the hunters' counterpublic in Sweden increasingly declines invitations to come to the table and deliberate with others on the issues they contest, citing it is meaningless for them to do so in the current state of affairs in the public sphere (von Essen *et al.*, 2015a). Their rejection of reconciliation provides impetus for further attitude polarisation and radicalisation.

Additionally, if counterpublics offer the promise of a community based on marginalised—but perhaps also somewhat entitled voices—they essentially offer pride as shared solidarity, instead of shame and inferiority as an exit door from the public (Huijun, 2010). This finds parallels in the rise of populist, fascist and extremist movements (see, for example, the work on recognition by Honneth, 1995; and on radicalisation by Scheff & Retzner, 1991). Such radicalisation highlights the importance of granting counterpublics recognition as citizens within the broader public. The emphasis on recognition—political, legal or social—reflects a perspective that understands dissent in terms of moral feelings of indignation and violations of certain accustomed expectations

regarding recognition in society (Honneth, 1995). It relaxes the focus on dissent that is grounded in strictly material inequalities (McNay, 2008). As contended, the dissertation regards immaterial and material injustices as mutually reinforcing in the struggle for recognition. This may entail also the desire for substantive changes in distribution rather than mere dialogic uptake in the public. This dialectic between the immaterial and material elements of injustice may for hunters be as simple as corresponding to a desire for a voice in the public on equal grounds without prejudice and bias and at the same time encompassing a goal of securing economic advantages that they feel may have been denied hunters for doing public services, like wildlife management.

The dialectic is of central importance in this study because the degree to which dissenters and counterpublics may actively pursue an interest in substantive changes is contested. Loehwing and Motter (2009), for example, caution against the attribution to counterpublics of material, self-serving goals because this results in a competition for political power, often framed in terms of the constituents' alleged access to the true sovereign will, between a multiplicity of competing publics in society. When Markovitz (2005) legitimates democratic disobedience, similarly, he does so on grounds that it is a democratic corrective act that publicises limits to effective participation in the public. One might thus anticipate his objection to counterpublic formations serving as partisan constituencies seeking to impose an alternative agenda. He argues that such dissent: "when it is justified, pursues processes rather than outcomes, employs coercion only in destabilising ways, and serves momentary coalitions rather than entrenched constituencies" (Markovitz, 2005, p. 1944).

3.4 Conceptual Clarifications

Before I take you into the disobedience and dissent landscape, I use this remaining chapter space to clarify some the terms in my conceptual artillery this far. It involves demarcating my use of concepts like dissent, contestation, disobedience and counterpublic. I contend they can be put in relation to each other and better understood when considered from a process ontology and from their respective settings within and outside of the deliberative system.

To begin with, I use dissent to denote oppositional action in the broadest sense (including non-action). Indeed, the sole scholarly consensus on prerequisites of dissent appears to be a sense of this subversive *action* or *inaction* by agents (for some examples see Hollander & Einwohner, 2004; Young, 2001; Ashforth & Mael, 1998; Brower & Abolafia, 1995). Dissent is hence used as an umbrella term in this dissertation to comprise the full scope from principled democratic disobedience; conscientious refusals, embedded

dissent within legal channels or organisations, boycotts and silence to noncooperation (e.g. Martin, 2008; Hollander & Einwohner, 2004; Mihelich & Storrs, 2003; Piderit, 2000). “Whether it takes the form of deliberating, or demonstrating, debating or protesting, the rhetoric of dissent channels social struggle into political contestation” (Ivie, 2005, p. 7). Dissent is in this way chosen over resistance and protest because I take it to be wider, incorporating no-saying in the general sense. But more importantly dissent is preferred over resistance because it has recently been associated with deliberative democracy; dissent, in contrast to protest, is seen to be aimed toward democratic correction and the promotion of deliberation (Ivie, 2015; Dimock, 2010).

Process ontology

All of these terms are to be understood from a process ontology; there is no essence to a word like dissent (Bloom, 2013); acts of dissent are merely social activities that involve agency (Hollander & Einwohner, 2004). To recall, process is true also of counterpublic. Adherents of the process ontology emphasise that public refers to “the mode, rather than the content or place or medium, of communication” (Dahlberg, 2014, p.24). That means participants shift in and out of dissent depending on their actions and associations at any given time. To this end, undertaking oppositional activity is not a process that is “automatically destructive” (Zrinka Ana, 2016, p. 2). As the natural science definition of resistance intimates, it often refers to the capacity of an organism to resist and survive in the face of harmful pathologic influences. This is important to bear in mind, because much of the dissent studied in this research is decidedly self-preservation rather than one of enacting socio-political or economic change in the polity (a “holding back” mode rather than a proactive “fighting against” one, in the words of Vinthagen & Lilja, 2007, p. 4).

Setting ontology

Second, the terms reflect the spatial arrangements of civic opposition in the polity. I suggest, based on Johansson and Vinthagen’s (2014) needed call to conceptually spatialise dissent to see how it is structured by social sites, that dissent can be understood based on its locus in distinct zones of legality, illegality and counter-formations in society. While dissent captures contestations anywhere, disobedience for example, which will be clarified in the next chapter, necessarily operates in extra-legal but public channels, as it cannot take place in private.

Habermas’ floor plan of the public sphere, and its subsequent adjuncts and critiques by terms like counterpublics (Fraser, 1990), satellite publics (Mansbridge, 1999a) and sub-publics (Girard, 2015) evoke spatial distribution.

Habermas' spatial metaphors for the public sphere include as cores and peripheries, informal and formal publics and 'tops' and 'bottoms' of the political system (Habermas, 2006). These are differently empowered in relation to their proximity to the 'core'. This has provided a bridge to counterpublic theory by recognising that "multiple spheres are by no means equal in terms of access or political impact. Some are socially and politically more 'mainstream' and situated closer to the powers of decision-making" (Dahlgren, 2006, p. 274)

In contrast to the abovementioned attempts to spatialise domination and dissent, I do not wish to equate all dissent with a backstage region, as if denoting a powerless enclave walled off from politics (a tendency identified and critiqued by e.g. Dahlgren, 2006; Butz, 2002). Rather I want to suggest that citizens and dissent move around the terrain of the public sphere and take on different characteristics and levels of empowerment depending on where their activities position them at any one time. The availability of ideological and political space is conditioned by groups' hegemonic positions. Johansson and Vinthagen (2015) talk about a third space as a radical zone populated by the marginalised, which I take here to be equivalent to the protest sector in Habermas, constituting the peripheries of the public sphere.

Beyond citizens moving around the public sphere and approximating different levels of empowerment, it is also important to suggest that the protopolitical reflections, or personal circumstances, of citizens in the private sphere are necessary for their political articulation in any sphere, public, or counterpublic. This was a key refrain of Negt & Kluge, whose counterpublic emphasised lived experience and occurrences from the domain of everyday life. The private sphere thus needs to be seen as an important resource for, or as in interplay with, public or counterpublic sphere (Dahlgren, 2006). This is crucial in the case of hunters, whose everyday-based common sense provides a foundational element within their counterpublic formation and discourse.

Now that Habermas' theory of communicative action and Negt & Kluge's counterpublic theory have outlined conditions of, and responses to, deliberative deficits respectively, we must ask what sorts of means of redress are justified for citizens in response. Can they hold democratic corrective value insofar as they may result in a more inclusive deliberative system (as argued by Smith, 2013b)? I will anchor these crimes of dissent in the remit of counterpublic sketched out above. Some expressions of dissent, however, detach from the prerequisites of the counterpublic enterprise. Indeed, as I will show, they sometimes take citizens outside of the remit of counterpublic, and beyond the realm of "what is considered legal and broadly 'sayable'" within a counterpublic (Toepfl & Piwoni, 2015, p.485). What must be apprehended, then, is also when hunters' dissent ceases to be communicative and takes on a

character of pure withdrawal or autonomous action by citizens, like illegal hunting (the “shoot, shovel and shut up” kind) as this denotes crossing boundaries beyond which counterpublics may not venture. Gray (2012, p. 22) calls this point repudiative silence, “signalling the end of their responsibility to certain claims and commitments attributed to them.”

I begin to characterise acts of dissent from the lofty principles set by Rawls’ civil disobedience. These rather narrow parameters for classical civil disobedience are rarely fulfilled by dissenters. In the sections that follow I move from Rawls’ strict criteria for legitimate civil disobedience toward alternative theoretical conceptions of acts of dissent, which I locate in deliberative theories of disobedience. Above all, I want to show there are theories beyond civil disobedience in liberal democracy that can legitimate acts of dissent and more sharply account for their rise in the first place.

Indeed, Habermas acknowledges that disobedients tend to be those who are forced to take an alternative route of self-disclosure, having been excluded from the deliberative process in the conventional channel for participation (Thomassen, 2013). I have already articulated this as citizens’ experiences of systematically distorted decision-making practices sometimes lead them to circumnavigate formal and colonised channels for discussion (von Essen, 2016; Thomassen, 2013; Seel, 1997). Smith (2008, p. 80) suggests that although Habermas at present fails to supply an adequate account of the distortions in communication that plausibly justify civil disobedience, it is “clear that Habermas wants to allow for the possibility that civil disobedience might be justified in the context of deliberative inadequacies.”

4 From Civil to Deliberative Disobedience

In Rawls' theory of justice, justice refers to the basic structure by which fundamental rights and liberties are distributed to citizens by institutions. Injustices accordingly befall those subject to unequal distribution or violations of their fundamental rights. Rawls' civil disobedience is arguably the *lingua franca* account of how public redress of such injustices can legitimately proceed. Rawls joins Martin Luther King and Cohen (1971) in expressing that civil disobedience expresses fidelity to constitutional law by appealing to a shared conception of justice. It aims to expose how government laws or conduct have lapsed from its foundational norms, to compel it into redressing them. On civil disobedience, the law is only *piecewise* unjust but not without room for rectification which is also the premise by which civil disobedience may differentiate from conscientious objection or outright revolution, where desire to implement change is minimal, or more wholesale, respectively. For the disobedient, a moral dialogue is sought (Brownlee, 2012a).

As an act of dissent, civil disobedience comprises public goals by functioning as a public address to the regime to jolt it into recognising and responding to the injustice. In Rawls, civil disobedience entails requirements of non-violence, a public and civil nature as well as an acceptance of constitutional law that is manifested by submitting to punishment for the transgression. Along with a recognition of clear intentionality on the part of the dissenter to consciously dissent, these remain the generally agreed upon characteristics of civil disobedience in liberal democratic scholarship (e.g. Brownlee, 2012a; Ledewitz, 1990; Cohen, 1972; Bedau, 1961).

A cousin of civil disobedience is conscientious objection. Conscientious objection draws justification less from public goals, and more from individual conscience. Conscientious objection exempts individuals from compliance in cases where such action goes against a personally held moral belief. When this is done with the assumption the regime registers the non-compliance, it is termed conscientious refusal. In cases where the dissenter works with the

assumption his or her conscientious objection remains unknown to the regime, it is termed conscientious evasion. Clear lines are nevertheless sometimes difficult to draw between the latter. The lines between civil disobedience and conscientious objection may similarly be blurred (Ceva, 2015; von Essen & Allen, 2015). As we will see in this dissertation, clarity over public/private begins to break down at certain points. Rawls states that in terms of demarcating civil disobedience from conscientious objection (or refusal), there is “no sharp distinction” that can be made given that both may comprise strong elements of both (Rawls, 1999, p. 324). While it has a clearer desire to change a law, civil disobedience can also be taken to claim exception to majority rule like conscientious refusal (Dworkin, 1977). Equally, conscientious objection may in fact be grounded on political principles. The blurred lines are strongly suggested in the work of Dworkin (1986) and Ceva (2015). Ceva (2015, p.18) attempts to “rescue conscientious objection from the unwarranted relegation to the private sphere that is typical of liberal thought” by politicising it as a political dissent. In this way, the two cousins of dissent, civil disobedience and conscientious objection, raise questions about the boundaries of the public/private on the one hand and the political/apolitical on the other hand.

4.1 The Virtues of Civil Disobedience

To Habermas (1985) civil disobedience is a symbolic, non-violent and illegal form of protest that appeals to both the wider political community (a horizontal dimension) and to formal state institutions (a vertical dimension) over their sense of justice. When sufficiently principled, disobedience is a legitimate form of politics when formal channels of participation fail to redress injustices. This so, first, on the view that there can be no obligation to obey laws in whose making one had no voice. Second, because it is the obligation of societal institutions to provide citizens with ways of participating that are meaningful to them (Donaldson & Kymlicka, 2015), failure to do so can motivate citizen participation that is ‘extra-legal’, ‘extra-institutional’ or ‘post-deliberative’ (Ceva, 2015; Seel, 1997) – all euphemisms for civil disobedience. That said, by this very nature, disobedience can genuinely shake up unresponsive regimes characterised by anti-democratic inertia (Markovitz, 2005). In so doing, they push the boundaries of conservative societies (Lovell, 2009).

Others paradoxically posit civil disobedience in a democracy may have a stabilising effect on a constitutional system (see Caraus, 2014). This constitutive view has a republican refrain inasmuch as may be endorsed on the grounds of constituting a legitimate extension of citizens’ right to full political participation to actively improve the quality and their co-authorship of

collective decisions, a common and unfinished project (Allen, 2009; Habermas *et al.*, 2004). Following Markovitz's (2005) republican iteration of civil disobedience, deliberative scholars explore the corrective potential of disobedience to democratic deficits (notably Smith, 2011; Thomassen, 2007). Disobedience that is civil, moreover, is held as having a particularly important role in counter-acting democratic deficits in law-making. In his republican rendition, Markovitz (2005) describes such dissent as a 'citizens' review' comparable to the function provided by judicial reviews in correcting deficits through triggering democratic re-engagement. Maguire (1993) likewise argues that in nearly just democracies—meaning developed ones—protest, policy reform and increased public participation are positively typically reinforcing.

4.2 The Dangers of Civil Disobedience

To this end, there are objections even to principled forms of civil disobedience that seek to expose the non-constitutional practices of government. Theodossopoulos (2014, p. 422) terms this the pathologising view on disobedience involving its "systematic dismissal [...] as illogical, wicked and immoral—a threat to security or civil order, a product of inchoate or dangerous minds, and an act of unlawful rebellion and terrorism." It charges disobedience with generating anarchy and collateral damage (Huijun, 2010; Thomassen, 2007). On this view, disobedience breaches the social contract and undermines constitutional democracy (Estlund, 2009; Waldron, 1999). To these critics, unlawful protest subverts the rule of law, damages the social fabric of society and strains the bonds of civic friendship, particularly, in Vanderheiden's (2005) words, if it entails harm to innocent persons or involves private gain.

Given the illegal nature of civil disobedience, criminological readings of disobedience have also drawn from theories of deviance, disorder, subculture, strain theory and radicalisation to explain, predict and deter the behaviour of dissenters who deviate from the law and from the norm (Theodossopoulos, 2014; McCauley & Moskalenko, 2008). In the case of conscientious objection, the slippery slope toward moral absolutism may be even more of an issue to orthodox criminologists insofar as it may sanction dissent based on personally, even arbitrarily, held beliefs. Indeed, if such acts of taking the law into one's own hand are employed routinely they may be said to greatly undermine the idea of law, order and constitutional democracy (Gebh, 2013).

4.3 Communicative Characteristics of Disobedience and Conscientious Objection

The corralling of conscientious objection to the private, criminal realm on the one hand, and understanding civil disobedience as a public political address on the other hand, is a binary that has been fashioned together from these acts' respective communicative characteristics. Rawls (1999) posits the symbolic features of civil disobedience are what turn it into a form of public address. Most classical scholars are relatively strict about the requirement of clear communication of the rationale behind the disobedience (for example Rawls, 1999; Cohen, 1972). Here it must communicate, in no uncertain terms: disavowal, condemnation and denunciation of a certain law or policy; dissociation from the law and authority that enacted it and; the desire for recognition by that authority that a lasting change in law is required (Brownlee, 2007). It is at least the *call* for dialogue on the matter, rather than an imperative for anyone else to accept one's agenda (Moraro, 2014).

When dissent thus proceeds in private, anonymously or covertly, it is not seen to call for dialogue. Brownlee (2012), for example, views conscientious objection as incidentally or accidentally communicative only that is not a public form of address in the same way as other forms of disobedience. Arendt (1972) sees the moral distinction between public and personal disobedience in similar terms, where private clandestine acts are concerned with the integrity of the self and communicate mainly internally within the subject ("in a soundless dialogue with oneself" – Arendt cited in von Essen, 2016, p. 8). This interpretation seems to affirm that the more positive one's dissent is in terms of engagement (as also suggested by Mittelman, 1998), comparing for example a public protest and conscientious refusal, the more dialogic the dissent. To Gray (2015, p. 483) this way of framing communication and political empowerment is a strong disposition across all theories of democracy, which hear abstentions and silence by citizens "not as a decision, but as disengagement or disempowerment." He critiques this perspective for rendering silence apolitical, construing refusals as "private withdrawal[s] from politics that contrasts with voice – a normative vacuum in which citizens are excluded from democratic political decisionmaking" (Gray, 2015, p. 475). It is seen as quiet inaction associated with civic passivity, selfishness and listlessness.

However, scholars now suggest that too scant attention may have been paid to the communicative elements of disengaging forms of dissent that take place in the private sphere, particularly given what I have noted as the often blurred lines between civil disobedience and conscientious objection (Ceva, 2015; Smith, 2013b). On this view, abstentions and non-action speak as loudly as positive engagement. Silence and withdrawal possess political meaning (Chang

& Butchart, 2012; Gray, 2015). Certain dissent that involves turning away from public interference in one's affairs may signal that one is no longer communicating with society because it is meaningless for them to do so. As in the silent treatment, silence may be imbued with inferential consequences for uptake (Gray, 2012). Indeed, illegal hunting as a 'shoot, shovel and shut up' practice by disenfranchised hunters denotes severing of formal dialogue with authorities. But the cumulative pattern of such crimes may be harnessed discursively by other dissenters to convey messages similar to those identified by Brownlee (2012) for the public-minded civil disobedience: denunciation of policy; disassociation from its authors and the desire for recognition that change is needed. Illegal hunting in shoot, shovel and shut up, denotes a kind of 'hostile silence' (Gray, 2015) that is profoundly political.

Inasmuch as civil disobedience is always taken as openly communicative, this too, is now a point of contention among contemporary political theorists. While Rawls remains strict about the dialogic condition determining the genus of civil disobedience, Bedau (1961) sees civil disobedience chiefly as an action that aims to obstruct government policy, where dialogue is one of several potential tactics used to pursue this aim, and not a goal in itself. Other scholars take a moderate view by positing that although a communicative aim is necessary for disobedience, it does not have to *precede* – as with an advance notice to authorities – the act (Brownlee, 2012a; Smart, 1991). Huijun (2010) and Ceva (2015) likewise offer that the courtroom for arrested dissenters is a perfectly adequate democratic locus where dissenters' "claims are aired, taken into consideration and probed" (Ceva, 2015, p. 29). Others intimate the confrontation inherent in breaking the law, or leaving one's signature on the protest, ought to suffice as communication, at least in those cases where the dissenter directly disobeys the law to which they object (Blaakman, 2012; Huijun, 2010). Finally, like Bedau, Gebh (2013) simply observes the decision to utilise publicity on the part of dissenters is merely pragmatic in nature and does not, as classical scholars contend, constitute its genus.

The dialogic characteristics of various acts of dissent foreground the analytical focus of this dissertation. Because communication and public goals are determinants of a civil disobedient, compared to a common criminal (Smith, 2011), the ways in which we can show illegal hunting to be communicative is of great importance to the societal implications of how we understand and respond to these crimes of dissent by hunters.

4.4 The Need for a Deliberative Theory of Civil Disobedience

We recall Rawls' justification for civil disobedience and conscientious objection is that such dissent may be pursued, in a principled manner, in response to violations to individuals' liberties in an otherwise just state. For example, when equal rights are withheld for certain categories, when free speech is threatened, or when current laws and policies result in unjust formations, distributions and ideologies that profoundly infringe on one's liberty. To Rawls (1999, p. 203) "the most obvious political inequality is the violation of the precept one person one vote." Civil disobedience is permitted in these cases once established channels for deliberation have been exhausted in the pursuit of correcting injustices. It is then justified to go outside of these channels because they do not work as they should in addressing the problem.

In this way, Rawls' justification for liberal civil disobedience is relatively demanding of fundamental rights violations. It says little about the possibility for these channels to technically work, but in practice be arrayed against any party, systematically distorted, inert, and incapable of serving as a channel for rational-critical debate in the present. Rawls' liberal understanding of democratic justice is thus too blunt to attend to the types of deliberative deficits we might encounter in many developed deliberative systems, which ostensibly provide equal rights and fair hearing, but which may asymmetrically empower participants as a result of deliberative inertia, the privileging of elite discourses or any other factors circumscribing the deliberative process (Smith, 2011). While I do not wish to understate Rawls' attention to process, given he clearly supposes a background of democratic majoritarianism that operates with commitment to a liberal appeal to fair equality of opportunity, fair hearing and fair value of liberty, democracy has a broader scope than Rawls' liberal theory of civil disobedience permits (the point of departure of Markovitz, 2005).

Indeed, those looking for an absolute injustice to hunters following the violation of a fundamental right in participation will likely be disappointed. The problem is not over infringements to the system of basic constitutional rights of citizens, but rather *within* it. Specifically, the problem is over deficits in the deliberative system in which laws and policies are formulated. As Smith (2013b) contends, rather than injustices – which are associated with constitutional rights violations – deliberative deficits are equally important to identify, because they may similarly challenge the legitimacy of the polity. By abandoning the sorts of substantive rights violations entailed in Rawls' understanding of injustice, we can thus consider more systematic deficits behind disobedience. This is sorely needed, on Mansbridge's (1996) view, because the majority of injustices in democratic societies actually stop short of fundamental rights violations that could justify disobedience.

Disobedience that turns on the basis of exposing systematically distorted communication *within* deliberative systems, rather than rights violations *to* such systems, may be said to illuminate distinct dimensions of illegal hunting dimmed by the liberal democratic approach to civil disobedience. To present these dimensions, I must thereby move from classical liberal civil disobedience to another democratic theory of disobedience: *democratic* or *deliberative disobedience*. Democratic disobedience is an originally republican formulation which shifts focus to the procedural-democratic of systems. Here, certain acts of disobedience may be legitimated, and must ultimately be understood, as the result of defective background conditions in the processes that enacted laws. On the republican perspective of disobedience such defective background conditions pertain to any deviation from the collective will due to “manipulation and abuse by special interests” (Markovitz, 2005, p. 1922) or “distance from any past sovereign engagement” (*ibid.*, p. 1927).

If we understand the premise of democratic disobedience to be that deliberative deficits motivate disobedience, it becomes clear that this is a premise largely shared by counterpublic theory; counterpublics arise because of colonisation of the common by special interests, to the exclusion of others, even when fundamental rights of vote may technically be in place. To be sure, reformulations of the liberal account of civil disobedience now accumulate in democratic theory, and these may also be attractive to apply in contexts without ostensible rights violations. Without the space to relay them all in full here, they can be briefly summarised in five approaches. First, there are the individualist positions taken by Thoreau (1991), Wolff (1970) and Dean (2005), among others, which foreground man’s conscience in determining the rightness of laws. They regard the duty to obey the law as little more than a technical duty (Moraro, 2014). The second and related reformulation may be found in the work of Lefkowitz (2007) and Ceva (2015), which defends a moral right of citizens to continue to contest legal decisions through a “suitably constrained civil disobedience” (Lefkowitz, 2007, p. 202) as a legitimate form of political participation. The third reformulation is the humanist justification for civil disobedience referred to by Brownlee (2012, p. 148). It technically suggests “bigots, racists, and xenophobes of all stripes” may be justified in promoting their questionable causes. But this humanist justification also imposes strict process-related constraints on the behaviour of disobedients; to be justified in breaking the law, they need to abide by the dialogic condition and they need to demonstrate conscientiousness. A fourth reformulation of civil disobedience is offered by Dworkin (1977). It legitimates disobedience as an address over violations of constitutional principles by the government. These are not principles of fundamental rights, *contra* Rawls, but a violation of

the state's fiduciary responsibilities to its own people. Disobedience publicises the state having broken trust with its people.

Fifth, scholars also sometimes move away from civil disobedience by talking about *slow injustices* (Martin, 2007) that result from sustained systematic infringements not detectable by the liberal democratic theory of civil disobedience. To this end, this may be problematic because the language of 'injustice', rather than 'deficit', is now explicitly associated with constitutional rights violations. Still, some scholars suggest injustices need not be absolute for civil disobedience to be justified. They argue injustice is a relative predicament that comes from applying subjective standards on the rights of privileges one once had, or which others are perceived to now have (as argued by Koomen & Van Der Pligt, 2015; Huijun, 2010). Some even contend that injustices can be vicariously adopted (van Zomeren *et al.*, 2004). That is, in the case of hunters, individuals may identify with past or present injustices befalling others with whom they perceive themselves as socially or culturally affiliated. In summary, these reformulations of Rawls' civil disobedience may better fit those polities where government actions and laws are difficult to identify as absolute injustices.

Although they offer promising directions for such a state, Thoreau and Wolff's individualist defence of disobedience has little to say about the issue at hand for hunters: that of a deficit in the deliberative system. Indeed, they talk about procedural shortcomings even less than Rawls. Further, both Brownlee's humanist defence for the right of "xenophobes and bigots" to undertake civil disobedience, and Lefkowitz's moral justification for disobedience, impose stringent demands on the conduct of the dissenter that do not obtain for 'shoot, shovel and shut up' illegal hunters regardless of the basis of their grievances; it needs to be public, dialogic, non-coercive and entail acceptance of punishment.

Dworkin's justification that disobedience may be legitimate insofar as it protests the government renegeing on promises made to its citizens, could perhaps be seen as more promising for hunters. But it requires that the government has deceived hunters, breaching a mutually agreed upon contract over wolf policy. Although it is easy to see how Swedish hunters would favour this justification, arguing the broken promises regarding license culls and population ceilings signify a breach in contract, it is not the best defence for their disobedience given that as I will show, it is not usually the state that reneges on promises made, but ENGOs that impede prior decisions. Against the shortcomings of these alternative justifications for civil disobedience, we hence require a conception of hunters' disobedience that meets the following three demands: first, one that de-emphasises violations of basic liberties;

second, one that accommodates multiple motives behind the dissent; and third, one that is attentive toward systematically distorted communication.

4.5 Smith's Deliberative Disobedience

The closest fit for such a theory of disobedience must intuitively be found within deliberative democracy. A deliberatively grounded theory of disobedience is better positioned to justify dissent in developed deliberative systems where public channels *prima facie* grant citizens the opportunity for participation, voting and free speech on the wolf issue. It is not enough for such a theory that they be reasonably just with respect to basic rights as Rawls envisions, or that they *prima facie* have the right apparatus for participation in place, like County Game Management Delegations. As Dean (2005, p. 72) intimates, "If legal channels are open in theory but closed or unfairly obstructed in practice, then the system is not democratic in the way needed to make civil disobedience unnecessary." We need to attend to deeper deliberative deficits of this system, which appropriately may be found in a more fine-grained deliberative theory of disobedience, not to disparage Rawls.

A deliberative theory of disobedience "explores the potential value of acts that do not fall neatly within the normative parameters set by the liberal account" (Smith, 2011, p. 146). Here free speech, for example, may not be free if discourses are predetermined with respect to their validity. Second, the inclusion of diverse interests in policy-making does not ensure all are equally *heard*, on equal premises, or receive uptake of their concerns. Third, the process may be insufficiently informed (Gebh, 2013). Fourth, the act of aggregating votes cannot alone legitimates the legislature, but requires the act of dialogue (Markovitz, 2005). The list can be made longer as deliberative deficits can result from things like influence-less participative processes (Healey, 2009); from institutional agendas impenetrable to citizens proposals (Bohman, 1996); from asymmetrical relationships between authority and lay participants (Clausen *et al.*, 2010); from the manipulation of the deliberative process by powerful interests (Markovitz, 2005); from the undue influence of hegemonic discourses (Smith, 2011) that privilege those who wield a certain discourse and fails in providing equal uptake of those voices that do not (observed on the wolf issue in particular by von Essen, 2015); indeed, the substitution of canonical expertise for validity arguments (Fung, 2005); from structural forms of power that condition false consensus or otherwise silence subaltern voices (Young, 2001; Clegg, 1989) and from the substitution of instrumental rationality and steering media for communicative rationality

(Habermas, 1984) – for example the logic of bureaucracy, rather than the force of the better argument, trumping processes and informing decisions.

In summary, defective conditions are those which preclude an uncoerced, egalitarian, transparent and open public dialogue among participants. I believe this justification for disobedience better aligns with Habermas (1996, p. 382-383), who sees that disobedience must have as its task to counter “the systemic inertia of institutional publics” and obtain “a hearing and greater influence for oppositional arguments.” This seems to point toward a vision for disobedience to correct deliberative deficits within deliberative systems rather than address violations to the basic system of citizen’s fundamental rights.

Furthermore, if channels for public participation exist on paper but are unusable, exclusionary or otherwise imperfect democratic instruments for citizens, two issues follow. First, it becomes practically difficult or impossible for citizens to induce changes, and that in itself may justify going beyond traditional channels of redress to secure them via other means. Deliberative disobedience thereby denotes the removal of those procedural obstacles facing citizens’ actual, effective and equal opportunities to co-author laws by proceeding in undistorted channels of contestation (Ceva, 2015). Second, if these conditions of deliberative suboptimality provide the basis for the systematic disenfranchisement of a social group, we arrive at a deliberative deficit whereby the state loses much of its legitimacy as a legislator, ruling only by coercive force and not by commanding moral compliance through legitimate laws (Nilsen, 2009). The government may be increasingly seen as unjust, incompetent and illegitimate by the public (Habermas, 1987).

4.5.1 Contesting processes rather than outcomes?

The aim of deliberative disobedience is to contribute to a more inclusive deliberative system. This is similar to the goals of a counterpublic, which also results from deficits in democratic legitimacy over the ways in which some citizens’ perspectives are systematically excluded. But it begs the question: what happens when dissenters also operate with substantive goals, which are not merely about reinvigorating debate and procedures? To Markovitz, substantive policy goals, or goals related to direct action, appear to disqualify dissenters from his republican justification of democratic disobedience. The enterprise must not be captured by partisan constituencies, but be intended solely as a discursive opening in intransigent systems. Once debate has been reopened, it has achieved what it set out to do (Gebh, 2013)

But as I noted in a previous section, Markovitz’ requirement of disobedience pursuing processes rather than outcomes has been countered by recent scholars. They now permit the pragmatic formation of temporary

alliances and coalitions, which may be mobilised around substantive causes, while pursuing deliberative goals of expanding the space of political options in the deliberative system (Smith, 2011). This is just one of the ways in which Smith's (2013b) deliberative theory of disobedience applied here sets itself apart from Markovitz' democratic disobedience. While wrought from the same critique toward liberal disobedience and identical in many respects, deliberative disobedience relaxes the republican requirements of Markovitz' theory: for one, it replaces the idea that citizens must assume authorship of collective decisions to focusing on the anonymous processes of public deliberation. In so doing, it eschews the potential problem that citizens will experience entitlement to speak and act on behalf of what they subjectively take to be the authentic sovereign will. On this interpretation, the legitimacy of democracy is traced not to the predeliberative wills of private individuals as in the liberal understanding, or in the direct judgment of all citizens, but the process of will formation in deliberative procedures (Manin *et al.*, 1987).

A further contrast to Markovitz' republican disobedience is that Smith concedes it is not uncommon for dissenters to advance some form of alternative recommendations to policy of their own alongside of deliberative goals. Markovitz' strict requirement of wanting only a change in processes is not consistent with fellow neo-republican Pettit's (1999b) admission that a necessity for a contestatory democracy is permitting people to coalesce around group identities and marginalised causes. Smith's deliberative disobedience is in fact closer to Pettit on this score by permitting alliances across diverse grievances, but also in relaxing Markovitz's requirement that policy options must have been left off the agenda to justify disobedience.

In Pettit's words, they may simply not have been salient in a meaningful sense. Smith permits these issues may have gained some traction and been presented to decision-makers on various occasions. However, because of a constellation of largely structural barriers erected by entrenched discourses, anti-deliberative inertia prevents their meaningful consideration. It prevents voices from being heard on an equal footing as those expressed by the mainstream view (Ceva, 2015). Smith (2011, p. 157) also suggests that deficits can result from the state apparatus' initial endorsement of counterdiscourses, but that when challenged by the influence of competing, hegemonic discourses, the polity "fails to take appropriate action in support of that agenda."

Through their grounding in separate democratic traditions, the three principal theories of disobedience outlined above (civil, democratic-republican, and deliberative) may be said to illuminate distinct aspects of illegal hunting as a crime of dissent. For example, if we apply Rawls' liberal civil disobedience to the case context, constitutional rights violations would need to be identified

against hunters in the system. I will take seriously any claims by hunters their cultural, economic or social rights are indeed violated through wolf conservation policy. But it will not ultimately make a strong case for hunters' disobedience. Given the liberal version requires public address to demonstrate one's fidelity to constitutional law, hunters are also hard pressed to use this justification with their covert tactics. As contended in the methodology chapter, I will also consider the fact that civil disobedience may in fact be deliberative disobedience in disguise, insofar as deficits in the deliberative system give rise to a *perception* the policies in themselves are unjust.

For the most part, however, interviews show the bulk of hunters' critiques rest on the fact that debate and policy channels are stacked against them and signify, not a constitutional injustice, but a design deficit as a result of deliberative inequality. For this reason, although there may be some disentanglement of the different dimensions of disobedience involved, deliberative disobedience provides the most thoroughgoing analysis of the problem facing hunters. In summary, then, if applying Rawls' liberal civil disobedience, I would have to show hunters seek to secure particular outcomes; on Dworkin's liberal disobedience, I would have to show the state has reneged on promises made to hunters and these promises are diffuse and difficult to identify at present; on deliberative disobedience hunters must seek to expand discursive space; and on democratic disobedience they must seek to restore democratic sovereignty. In practice, I believe the latter two are similar and can be partly collapsed (though I will use the 'deliberative' theory) in relation to their contrast to the liberal account's focus on outcomes rather than procedures.

Lastly, to the degree to which there is scope for articulating this adjunct to Rawls' original liberal theory of civil disobedience, it must be stated that the disobedience concept has undergone substantial amelioration in the past four decades (see Brownlee, 2012a; Simmons, 2010; Singer, 1975). In particular, scholars find little support in Rawls' original conception for evolving forms of disobedience, such as environmental disobedience. Dissent which does not ascribe to the norms of publicity endorsed by Rawls, including whistleblowing and everyday forms of dissent, similarly challenge existing readings of civil disobedience. A critique has now formed on the romanticisation and nostalgia around 1960s and 1970s civil disobedience which has skewed reference for comparative analysis of contemporary expressions of dissent (Brownlee, 2012b; Lovell, 2009; Sampson *et al.*, 2005; Welchman, 2001).

In this nostalgic reading of civil disobedience, evolving forms of dissent "are written off as shadows, imitations or lesser beings" following the glorification of past struggles which turned on lofty principles and addressed flagrant violations of citizens' constitutional liberties (Katsiaficas, 2004, p. 9).

Disobedience, it seems, is most lauded when it is in the 'glorious, unthreatening past', or where it is geographically distant (Martin, 2008, p. 2). Above all, such romanticisation has resulted in the unwillingness of scholars to conceive of the necessity of new strategies of dissent that in various ways relax the stringent requirements set by Rawls and Cohen's civil disobedience.

But such a move is necessary, as now signalled by a growing mass of scholars. It is suggested the increasing complexity following processes of globalisation and consumerism are resulting in unique forms of disobedience not well handled by classical theories (see for example Buechler, 2000). Chin and Mittelman (1997) contend old and new theories reflect changing conditions of social life. Interestingly, cultural criminologists also call for a "widening of the horizons" of dissent within late modernity (Greer *et al.*, 2008, p. 60). Indeed, against this background, I contend that as long as new forms of disobedience remain principled in their own logic, according to their own political theoretical traditions, they must be seriously entertained for many evolving forms of citizens' dissent, including illegal hunting.

PART II: EMPIRICAL FINDINGS

5 The Place and Recognition of Hunters in Society

In the following theme, hunters' views on their legal, social and political recognition in the public sphere are presented. This is summarised in the sub-themes: 5.1. Hunters' Contributions to Society, 5.2. Public Perception of Hunting, 5.3. Cleaning up Contaminating Accounts and 5.4. Media Scrutiny of Hunters. The aim of this theme is to, first, establish the depth of hunters' disenfranchisement from the public sphere, from which this research takes them to be increasingly excluded. So-termed *meta-stereotypes*, denoting reflections about stereotypes attributed to oneself by others, constitute a principal source of data for this theme (Koomen & Van Der Pligt, 2015).

Second, an aim is to ascertain to what extent Swedish hunters experience a need to manage their outside impression before others in the public sphere, given the increased controversy of hunting in modernity. It can be noted, however, that the public's acceptance of hunting is unusually high in Sweden, recently surveyed to be at 86 percent (von Essen & Allen, 2016c). All in all, the theme qualifies the predicament of hunters by showing how their positive contributions and negative associations contribute to an ambivalent, rather than a wholly disenfranchised, position in society.

5.1 Hunters' Contributions to Society

All respondents in the study were asked to reflect on the position of hunting in contemporary Swedish society. Approximately two thirds of hunters interviewed began to reflect positively on the place of hunting in modern Sweden. A small minority conceded hunting was now more of an esoteric hobby than anything that could be justified on a utilitarian argument. The remainder of hunters endorsed a middle-ground. They argued hunting continued to have an important role to play in modern society that imparted

both instrumental (therapeutic wildlife management, ecologically sustainable meat consumption and vehicle safety to name a few) and intrinsic virtues (self-realisation, self-sufficiency, nature reconciliation) to those who hunted and to even to the broader public by association.

To many, hunting and livestock keeping formed two sides of the same coin – a traditional rural way of life – that provided social glue for the countryside and which functioned as a source of morality and a praxis-based common sense at a time when urbanisation alienated modern people from labour. As an example of their stewarding services, many respondents emphasised their tracking of wounded wildlife following wildlife-vehicle collisions, something that is voluntarily undertaken by the Swedish hunting community. This act of goodwill, it was held, was a powerful and underacknowledged contribution to society. They proudly contended:

We undertake approximately fifty thousand trackings in Sweden every year. If we were to have someone else to do it, or if it became a state matter, I just don't think that the economy would manage those sorts of fees.

It would be impossible to keep track of especially the moose population in terms of vehicular accidents and grazing damage without our moose hunting. If one were to have professional cullers to do so it wouldn't be possible really.

Hunters saw their service as manifold: both in the tireless tracking night and day in all weathers, but also in their stewarding effect on maintaining wildlife populations at ecologically sustainable levels. These were sufficiently controlled and culled, moreover, to prevent an excess of vehicular collisions with wildlife. In a similar conceit, hunting was said to have a discouraging effect on wildlife migration patterns in human areas with roads. The overpopulation line of argument has been termed hunters "favourite defence" against critique in modernity (Curnutt, 1996, p. 72) and featured extensively here:

There is no doubt that if there were much more moose traffic accidents would also increase a lot.

Vehicle accidents are kept at a minimum when we hunt. The wildlife populations need to be decimated somehow otherwise they grow into problems.

The same respondent added:

For some wildlife [hunting] can be very useful because they feel they can go anywhere, such as human-populated areas and places like that. So it's to make them feel like this thing about humans, it's not so nice all the time.

Beyond a broad societal contribution, hunters saw this directly benefit certain stakeholders:

If we stop hunting, apart from all the vehicle accidents that would take place, there would be high costs for forest owners as moose eat all the pine trees.

...or as benefitting the economy of Swedish society:

Economically speaking it's extremely important.

The money raised by hunters through hunting fees meant, to some, that hunters were the *de facto* financial sponsors behind the bulk of forest and wildlife management and in so doing provided a direct and quantifiable service to society: *Hunters have a certain duty to pay because we hunt and make use of the forest.* The same respondent asserted Swedish hunters contributed to a fund from which researchers could apply for money related to projects around forestry and hunting and that this was not sufficiently appreciated at present:

One might think it's curious how this fund is collected and used, so this money is taken from hunters as opposed to taxes. Why are hunters a unique group forced to pay for this?

That hunters provide an important advocacy group and the backbone for wildlife management now a common refrain among hunting proponents (Paulson, 2012; Van de Pitte, 2003; Holsman, 2000).

The goodwill and service provision of hunters was echoed by several respondents, who saw that in addition to the mitigating effect, such hunting also exerted an *enriching effect* on wildlife. *If we didn't have hunting today, we wouldn't have nearly as much wildlife as we do.* This reflects an argument popularly presented by hunters that hunting is an inextricable part of therapeutic wildlife management (Cahoone, 2009) where the landowners' incentive to hunt provided the surest basis for conservation of game species.

The same respondent connected the diversity of wildlife directly to hunters' interest in maintaining it. *The second that interest goes away, so do the animals. That's how I see it.* Whether this was in caring for, managing and feeding wildlife for sport, or hunting in such a way that multiple species could thrive in a more diverse ecosystem constellation, was not specified. But the implication was clear: the hunter has greater stake than anyone to preserve game (Loftin, 1984). Too often, hunters felt this failed to be recognised by policy-makers and the public. The goodwill of Swedish hunters through tracking vehicle-injured game was compared to the lack of diligence by hunters elsewhere in the world:

I don't understand how they pull it together year after year. They call you up at 3am anytime and say 'I've hit this and that or a deer is wounded here'. So then they hit the road and track these animals to every nook and cranny. That's totally unique for Sweden. I know one's had to take this initiative in other countries too but it hasn't worked very well.

Another respondent connected the comparatively *high status* of hunting in Sweden to the goodwill of its hunters. Referring to wildlife-vehicle collisions, he argued:

They help people in ethical dilemmas. You might have hit something, or you get a starving deer in your garden those harsh winters and you get a nice cut of meat. We should be really thankful and appreciate of this good status.

When asked if hunting was important to society, however, a third of respondents admitted to it being a more esoteric pursuit. Some were thus critical of the above characterisations of hunters as 'Florence Nightingale with rifles' selfishly providing a service to society on the one hand (von Essen & Allen, 2016c; Kerasote, 1994) and to wildlife on the other by interfering in nature's grisly drama to cull populations humanely and sustainably (Samuel, 1999; Hettinger, 1994; Sagoff, 1984). Indeed, this conception of hunting is predicated on a view of the natural world as chaotic and in need of taming (Bogliogli, 2009), and not all respondents saw it as dependent on hunters alone to set it right. Indeed, hunters conceded that *in theory*, there were other means by which wildlife could be plausibly be managed today, including: *higher fencing around motorways or something like that*.

Insomuch as the moderating effect of large carnivores on ungulate populations was grudgingly conceded as one such alternative mechanism to keep their numbers down, one respondent noted there were also limits to this rewilding approach as the wolves would soon decimate the moose population without any sort of human involvement, *And then where will they get their food?* Hence, many saw themselves as needing to be the overseers of natural processes, as these could never wholly be left to their own devices.

Apart from this respondent, however, many hunters recognised there was intrinsic value to hunting that could not be captured in a utilitarian framework. One admitted: *We don't hunt because society needs the favour, but because we enjoy it. That's not something I'm ashamed of*. Although respondents expressed such modesty around hunting, none were willing to accept hunting be seen as 'just' a hobby. They sought to legitimate hunting as a multi-dimensional practice that imparted both utilitarian and intrinsic virtues to the

individual who hunted and the society that was seen to benefit from the activity (Fischer *et al.*, 2012; Good, 1997).

5.2 Public Perception of Hunting

Hunters recognised that the virtues they ascribed to hunting and the contributions they associated with it did not always translate well before non-hunters. The public perception of hunting remained sceptical. Respondents' reflections on the place of hunters in modern society typically coalesced around discussing trends toward the better or worse position of hunters.

When asked about how society viewed hunting in general today, respondents suggested: *It's fairly positive so far*. Some hunters also remained optimistic about the place of hunters due to a renewed interest in nature reconciliation and sustainable lifestyles. Such reconciliation on the part of the public is demonstrated by recent research to be key factors in increasing the public's acceptance of hunting (Ljung, 2014).

I think there's perhaps a greater acceptance for hunting than it was twenty years ago. [...] Especially in a 'status' society like Sweden it's become a bit of a status thing to hunt because you show you have money [...] I think there's better acceptance now than 20-25 years back.

But the main currency of hunting seemed to respondents to reside less in economic capital and more in social capital. Specifically, social capital conferred to the hunter by his mastering control over nature, of his own sufficiency, forsaking of the comforts of city life, and through his embodied participation in the processes of life and death – a fully accomplished man in the words of (Mulder, 2014). In this way, “being good in the woods” (Okiihiro, 1997, p. 81) or being valued as an “outdoorsman or woodsman” (*ibid.*, p. 82) were qualities esteemed also by the general public today. The game meat may have been the end product of such reconciliation, and its higher status relative to mass-produced meat would often eclipse the concerns of *bambi lovers*, but the experience of nature itself was what accorded the highest status.

Such reconciliation with nature may have been largely on the individual level, but it was also seen by respondents to benefit the country as a whole. Respondents viewed hunting as the vehicle of nature reconciliation and, within this, the hunter gained a pivotal role:

As a society we are associated with nature and wilderness and that's something one must cultivate as well.

Another affirmed that the positive perception of hunting was on the rise, *Most people are pretty positive toward hunting, that's the sense I get, both from statistics from surveys by the hunting associations and when I meet people during hunts.* A third respondent suggested *The tide's turned. I thought there was something of an uphill battle since the 1980s but now I get the impression it's become a lot more accepted.* Within this, a fourth respondent likened it to a natural cyclical process which had nevertheless resulted in the 'loss' of a 1980s generation, who had not been amenable to hunting. A fifth respondent agreed the tide was now turning in favour of hunting, but nonetheless noted having to manage a certain identity to the public in case he would encounter people who were less than sympathetic toward hunters:

While I don't think you're quite as public about your hunting today as in the past, I still feel it's become more accepted in the past few years. There was a period here in Umeå where you really had to keep it on the down-low.

Others, however, suggested opposition had in fact strengthened in some parts of the country. There was a *strong deteriorating trend* and hunting was *questioned more and more [...] hunting opponents and animal rights activists are heard more now than they were before.* The respondent who had observed a positive trend toward hunting in Umeå in recent years also recalled: *We've had these militant vegans and the like. They've set fire to hunters' cars and stuff like that.* There was, however, little correlation as to where in the country the respondents experienced this trend; one from Värmland noted the radicalisation of anti-hunting sentiment, as did respondents from the South of Sweden and from the Stockholm area.

A respondent indicated that while an interest in nature reconciliation did cast hunting in a new positive light as self-realisation, *There's also this trend of eating less meat and being more ecological, this whole vegan thing,* with the implication the latter trend circumscribed the status of hunting at the same time as it was gaining integrity on other grounds. For the most part, however, respondents' reflections seemed to confirm that the current intellectual climate was often acrimonious toward hunters (Parker, 2010).

5.3 Cleaning up Contaminating Accounts

Respondents conceded successful outside representation of hunting today demanded continuous work on several levels: how hunting was portrayed by its members on social media and in conversations with others; how it was spoken about in the media; and the extent to which the hunting associations could 'clean up' unethical practices and discourses before these potentially

contaminated the public's perception of hunting: *When the Swedish Hunting Association does something, we essentially represent the hunters, or 50% of them. But unless 100% of us maintain a good conduct it's going to reflect poorly on the rest of us so to speak.* The respondent added:

If we want to keep hunting in Sweden the way we do, it's a common responsibility.

Information control needed to be practiced on several levels among hunters, not least in media accounts. The wolf issue generally, including allegations of illegal hunting of protected large carnivores, was argued to have *...brought us under the microscope and a lot of debate back and forth in the media.* Actual or alleged cases of illegal hunting of wolves, one respondent reflected, *is just going to impact the collective negatively.*

The contaminating effect of unethical, illegal or otherwise aberrant hunting was in this way most feared for its potential impact on public opinion, rather than its impact on wildlife. This was the real danger. Indeed:

It has such a negligible impact so there's no real effect on the wildlife populations but on the other hand, as a hunter you know that if this kind of stuff occurs it will be used to target all hunters even if only 100 have committed such acts. It's about cleaning up stuff like that. It shouldn't happen because it contaminates us all.

Aberrations of this sort, on Parker's (2010, p. 165) view, "make generic attacks on hunting so easy." But even the conduct of legal hunts, especially pertaining to license hunts of large carnivores, was subject to a profound scrutiny that required hunters to faultlessly execute such actions. A Värmland respondent noted that although they had been overly eager as a result of being jerked around by the legal system of appeals, and resentful of poor quotas, hunters went out of their way to conduct legal wolf hunts as ethically as possible. Should there be the slightest lapse, he argued, the media would seize on such transgressions to the point where they would never be permitted another wolf hunt again. He even feared it would lead to restrictions of other forms of hunting and revoking of privileges more generally for hunters.

A popular saying in interviews was that *hunters are hunted* today, which was especially articulated by older hunters in the study. *The public, they're the one that are after us.* A younger hunter saw the public mainly in terms of the media. *We hunters are hunted. As soon as there's something... I saw a headline not long ago.... someone murdered their wife "hunter kills wife". OK.* Another likewise suggested: *It's so media-based today, all communication. Take facebook for example, and I get so pissy when I talk about facebook because I*

think it's the height of stupidity, it's so unnecessary [...] basically it involves presenting a lot of information we shouldn't. One respondent cautioned about posting inflammatory pictures of boastful or tactless trophy parades on social media, viewing it as *an unnecessary provocation* of the public in the present climate.

A respondent who was involved in the Swedish Hunting Association noted the representation of hunting constituted a principal preoccupation for their working groups today. *We discuss these almost daily. You try to give a balanced view from facebook or social media. Like, think for a minute. This is not how we act, and these are not the sorts of pictures we post.* Another said:

Posting pictures of what you think are 'cool' hunts, makes you go [...] God, what are they thinking?

Respondents were adamant such representations of hunting mattered in the context of outside representation and public acceptance, and needed to be contained accordingly. On this recommendation, they advocated greater *modesty* around kills, exercising restraint around using new high-tech gear (*It can annoy some people [...] you don't need that new gadget*) and potential censoring graphic footage where need be:

You've gotta asked yourself what the purpose of that picture is ... It's also a legal issue how you portray hunts, when you film your hunts.

It's completely wrong, those hunting pictures you see. That's a discussion hunters have to have now. I think that's best done in the hunting teams.

When discussing faux pas in hunting, however, respondents admitted to there being some bad types in the hunting community who had a disproportionate and distorting impact on the collective. These types were ... *all about making it cool [...] then you finish with a knife because that's what you've seen on youtube. Those people will be the death of hunting.* They also advocated the need to maintain a discourse that appeared respectful of the wildlife killed: *Don't say, I shot that son-of-a-bitch.* Respondents drew particular attention to some derisive jargon which befell wild boars and large carnivores. That the wolf now has many nicknames that belittle its position in Sweden – including “Shepherd-wolf”, “wolf mutt”, “million dollar dog”, “mid-Swedish forest dog” “doggy” – is now established (von Essen, 2015), but the majority of respondents who raised the issue of tactless vocabulary did so in reference to the ‘pig devils’ (wild boars). *I hear people speak in a way that makes me question where they were educated. It bothers me something awful. 'He shot a pig devil', stuff like that.* Others suggested that:

The more pigs we get, the more such discussion is heard.

Pig-bastard? It's still a life.

This discourse is both reflective of and a contributing factor to the ethically ambiguous status of wild boars in Sweden (von Essen & Allen, 2016c). Here, the discursive belittling of wild boars may cycle conscience-easing actions on the part of hunters, enabling them to employ one set of ethical standards in regard to prized game and companion animals, and a significantly more lax one for animals seen as pests (see also Ilundáin-Agurruza, 2010).

In terms of talking about shooting practices, respondents noted that hunters in their midst also problematically advocated for unethical hunting methods for large carnivores, at least in rhetoric. *They'd go: those bloody lynx eat every deer and blah blah. Just shoot them in the belly so there's no trace when they go off and idea. I got so mad then. Because then you're talking about animal cruelty.* This particular rhetoric was observed by multiple respondents across the country, typically in relation to the wolf. *It takes a few days for them to die when you shoot them in the belly,* a respondent explained. *It just passes right through. There's no bones or anything you might trace. Then when the animal's died it'll rot and the wound will disappear entirely. So if it turns up a few days after that, no one can say what it's died from.* The respondent noted this “*macho bullshit*” had aggravated him to the point where he had said to the hunter who spoke of doing so:

If you shoot it in a normal way and hide it, I can buy that, but you sure as hell can't be talking about tormenting an animal for days. The other agrees with me. He packed up his stuff and left.

It can be noted that a majority of respondents reached the same conclusion from different observations, namely that the survival of hunting was contingent on how the non-hunting public saw it. This, in turn, hinged on hunters' conduct and discourse:

You've gotta understand that we can hunt only exactly as long as a majority of the public finds it acceptable. The day the majority no longer thinks that, we're done

If we're to keep hunting we gotta do it nicely [...] if there's no acceptance among the public we won't be allowed to keep doing it.

Some people shouldn't be hunting at all.

On the whole, hunters were all reflective of the increased pressure they faced from the environmental movement in modernity, to the point of constituting a now embattled group (Loftin, 1984). Managing impressions was thereby a collective responsibility that befell all hunters both in the field and when interacting with non-hunting others. When contaminating accounts slipped through the cracks of the defensive shield maintained for example by the Hunting Associations, hunters' customary rights would be eroded by waves of environmental regulation. Oppositely, Hanna (2006, p. 252) offers a frank assessment arguing "the better the public image of hunters and hunting, the greater the scope of benefits to which hunters have access."

5.4 Media Scrutiny of Hunters

The 'microscope' provided a heuristic device for a more sinister type of scrutiny by the non-hunting public that all too eagerly seized on contaminating events and dramatised them for effect. Behind the microscope respondents typically placed urban outsiders, animal rights activists and journalists sympathetic to such causes, collectively labelled 'conservationists'. Often these were seen to be in collusion with each other, but several respondents separated the groups according to their relative power:

We have a set of journalists who increasingly live on Södermalm and see the world accordingly and stuff like illegal hunting becomes a juicy headline. So that becomes a way of setting the agenda.

Hunters worried about the centralisation of journalism and its subsequent bias toward urban values. *They sit in the big cities, meanwhile local editorial offices and newspapers close down. It's a worrying trend.* It can be noted that a slanderous term for this group has become 'betongjournalister' ('concrete journalists'). Hunters also expressed concerns about the media functioning as a knowledge dispensing channel for scientific experts (Duffy, 2010). Against previous research's finding that the media's dominant characterisation of the countryside is excessively negative (see for example Ekengren, 2012; Kränge & Skogen, 2011), wolf opposition was presented by the media as emblematic of a backward rural populace not on-board with a progressive global conservation agenda. Within this, the frames of news media reinforced preconceptions and continually obscured hunters' realities (Medearis, 2005).

It was argued *There are those that claim we live in a mediocracy. That it's actually media that controls things in this country to the extent that if you're on their radar you're basically screwed as a group, individual, or whatever.* Given one of the main lines of argumentation of cultural

criminologists has been the power of the media to criminalise subcultures and subcultural activities through mediated representations (see Brisman & South, 2013), this finding attests to hunters' perception of stigmatisation by a media co-opted by conservationists.

Respondents also observed that even conduct that had been proper at the level of the hunting in the field tended to be scrutinised under the media microscope and its flaws projected and ultimately distorted to their enormity. On 'disappeared' wolves, a respondent argued *When the tracker stops working it's very easy to say it's shot and gone. But the truth might be different. We have difficulty proving it. But in the media, it gets to be a certain way.* As such, the premises were seen to be rigged with suspicion from the outset. As it is today, another respondent argued, *You can't say wolf out loud in society without risk to oneself.*

As an example of this, a respondent with a military background recalled a military training exercise, where the press had been invited, which had become grossly mischaracterised and *sensationalised* when hunters' weapons firing had frightened a small child, making him pee in his pants:

This little thing happened and the press swoops in and magnifies it to this great big thing. The sensation of it, these animal rights organisations are constantly here watching us and as soon as there's any transgression by hunters it get blown out of all proportion.

Another source of resentment among respondents in relation to their outside representation was the inability to contest the reproduction of stereotypes:

People can get the wrong idea very quickly. That hunting is only killing and nothing else. But that's not really how it is; it's wildlife management really.

Animal rights activists just see hunters are the killers of animals.

There's this idea that we just head on out and, take a seat, and then the rifle goes off. The people that think so have never experienced it.

In Seitz' (2010, p. 74) words, such was "an image of hunting minus the hunting," a conceit that respondents in this study appeared to confirm:

There's a risk that the public perception centers around killing, hunting, evil, and evil people with some sort of genetic predisposition for torturing or killing. If you greatly simplify things it can look like that from the outside. I think that harms society actually. It's some kind of xenophobia that I find very unpleasant.

The same respondent suggested the fewer people that hunt, the more likely it would become that hunters were seen as a deviant breed. This reasoning was affirmed by several other respondents, who argued it was imperative that new demographics entered the '*old man's league*' that had heretofore characterised hunting and contributed to some outdated – but perhaps not unfounded – stereotypes that lingered in people's minds:

New hunters aren't as... how to put this... there are still bad ones but they're fewer. It's usually the old geezers. [...] and they generally have a lot of power too.

Another indicated *The influx of new hunters have been pretty poor, but it seems to be turning around again*. Respondents joined much of the research on hunters where the latter attempt to challenge the received idea of hunting-as-killing by repositioning it as wildlife management. Within this, they particularly objected to, first, being placed on opposite ends of nature conservation by the media:

It's become so fucking polarised now that if you're interested in nature you're also anti-hunting, and if you're a hunter you're anti-fältbiologerna [Nature & Youth Sweden], you're anti-SEPA.

As several contended, an ethical hunt could be reconciled easily with an interest in nature conservation, and the media's protracted attempts to separate the two were often deeply frustrating to their self-perception. Reflecting on the inaccuracy of the meta-stereotype, a respondent argued: *We can be both. To experience now that we're not... that we're arrogant jerks who are trigger-happy maniacs*. Hunters' paradoxical relationship with nature through simultaneously stewarding and killing is often difficult for the non-hunting public to grasp by constituting an embodied relationship that imparts both degrees of care and outtake of nature (Marvin, 2013; McLeod, 2007).

This point was often repeated in connection with hunters' experience of participation in decisions: *You can sit on multiple chairs as a hunter. It's very difficult to separate it all because a hunter can be a farmer and he can be affiliated with nature conservation*. One respondent suggested there was ambiguity implicit in the concept of wildlife management that told of different conceptions of stewarding nature, but which were silenced by the media's hegemonic understanding of wildlife management.

In summary, the media was seen as the microscope of the public, and the public was sceptical toward hunting insofar as constant impression management and containment to be undertaken by hunters at all times to maintain tolerance. The intellectual climate was described as at times hostile, portraying hunters as environmentally unfriendly (Parker, 2010). Respondents

also indicated a silencing of their voice and a caricaturisation of their identities in these media channels, which were colonised by *people living in the cities*, far removed from rural reality. Because mass media exerts the greatest influence on the public concerning issues on which they have the least personal experience, city dwellers were easily receptive and deceived by media's stories of rural issues (Martin & Varney, 2003b).

Against this, hunters saw it as imperative to be heard anew and contest media representations: *Right now it's the media that provides our common platform and there hunters must be heard*. In spite of this, several respondents also saw the tide as turning in their favour, either as hunting gained a higher status or as opponents – such as animal rights activists – dug their graves and as stereotypes around hunters as blood-thirsty massacres would give way to the truth – that hunters were a well-organised ethically predisposed collective of citizens (Sjölander-Lindqvist *et al.*, 2010). To conclude, the position of hunting in modern Sweden elucidated hunters' defensive shield, but also their deep desire for recognition of their contributions and their multivalent rationalities by the broader public, who at present misrepresented them.

6 Relationships with Institutions

The following theme presents hunters' perceptions of the institutions implicated in either policy-making or regional administration of wildlife issues. When referring to conventional channels in this dissertation, these are the sorts of platforms I note. They are the more formal publics in the deliberative system, invested with decision-making power to various extents. Respondents were asked to elaborate on how and where they raise issues today—to the extent they do so at all—and what they make of the official fora for public participation on wildlife management at various levels of the polity.

Respondents reflect on county game management delegations (GMDs), the county administrative board (CAB), the Swedish Environmental Protection Agency (SEPA), moose management areas (MMAs), the European Union (EU) as well as on the potential establishment of a new wildlife management agency.⁷ A guiding focus for this theme is how well these different institutions provide uptake for hunters and result in meaningful reflection between interest groups that feeds into the policy-making process. This theme, then, comprises hunters' perceptions of *interacting* with particular government bodies in hunting matters. I separate this theme from hunters' perceptions of the substantive laws and policies in themselves (chapter 8). The purpose of this theme is therefore to identify the particular administrative constellations, personnel or agencies to which hunters object, or with whom they alternatively find potential for collaboration.

⁷ The new body is only theoretical at this stage, but is frequently a topic of discussion among politicians, hunters and within the existing agencies.

6.1 County Game Management Delegations

In 2009, county delegations were set up by the Department of Environmental Affairs (2009:1474) to attain local legitimacy, in particular, over wolf management (von Essen & Hansen, 2015). The Game Management Delegations (henceforth GMDs) are ostensibly tasked with reaching decisions concerning conservation plans, licensed hunting of large carnivores in their regions and issues of reimbursing damages or subsidizing in line with predator damage decrees 2001:724 and 2010:242. The delegations also contribute suggestions for minimum levels for the carnivore population in their respective counties, based on the Swedish Environmental Protection Agency's recommendations and on what the delegations collectively consider possible to accommodate in their counties. The county administrative boards that host these delegations are responsible for dispensing information prior to delegation meetings. However, the Swedish Environmental Protection Agency ultimately determines minimum viable levels for large carnivore populations.

Because the GMDs are relatively young and involve only two to three hunters per county, most respondents in this study did not have direct experience of this platform. Three respondents had never heard of the wildlife management delegations and two-to-three more were relatively ignorant of their exact position and mandate in the institutional apparatus. Among those who were familiar with the platform, initial scepticism among hunters had been palpable. One respondent recalled how the original reaction to the GMDs was largely *doom and gloom* from hunters in his area but that things may be improving with time, because ultimately these were fora where representatives were accountable to their constituencies.

Two other respondents affirmed that the GMDs had started off uncertainly and with scepticism by hunters and while still struggling, were ultimately doing somewhat better, in finding their footing:

They're so young so they haven't entirely found the procedure that works for them yet. Nationally speaking I highly doubt they are aware of their mandate.

One respondent noted the arrangement around GMDs as a locally empowered decision-making organ on wildlife management seemed *democratically reasonable* to the point where he saw the possibility to engage in work in the GMD if he wanted to. Another affirmed that there appeared to be a genuine will of the GMD to *do one's best*, but that for the purposes of discussing hunting issues, it perhaps was not the ideal forum. He suggested GMDs:

[...] stand a bit apart [from hunting]. They have so much other stuff to deal with. The hunting issue feels a bit like it's the kind of question that just gets lost in all the other stuff.

More negative attitudes toward the GMDs were voiced by the remainder of the respondents. They raised criticism in primarily two dimensions. First, several respondents highlighted the polarising logic of the forum and its reproduction of intractable interest roles. Within this, they observed that it was a forum that suffered from *mudslinging* between opponents.

My impression of them, if you listen to the media, is that there's a whole lot of marking your territory between participants [...] You get the sense that they're more in it to fight with each other and tell each other who's in charge than to do a good job.

Two respondents traced this to the presence of large landowners as stakeholders in the mix, who had *disproportionate say on the whole affair* given their economic interest and status. Others suggested it generally reflected the entrenched polarisation within the wolf conflict generally. One respondent suggested the composition of the GMDs, centrally determined, was misguided as means of reaching consensus:

There's no reason on earth to include the National Hunters' Associations' local representative in Värmland, or the wolf huggers' more extreme ideologues. That just makes the process difficult.

Previous research validates this finding, implicitly, by observing actors tend to become strategic and cluster around advocacy coalitions based on ideological similarity in the GMDs (Matti & Sandström, 2013). Within this, those delegates deemed *a priori* (and subjectively) as ideologically dissimilar are positioned as opponents with whom no constructive discussions can be held or alliances formed. In effect, the arrangement reproduces a bounded rationality and a trench war between representatives (Matti & Sandström, 2011).

In one county, the disproportionate influence of one particular delegate was highlighted as a negative aspect of the GMDs, which had enabled this person's participation in multiple GMDs around the country. This person was identified as a large landowner of a forest company. Interestingly, large landowners were perceived to be people of power even in private hunting contexts, and here that power was reflected clearly in the institutional setting.

Respondents said little of the influence of conservationist representatives in this forum, which may explain the latter delegates' alleged perception of being outnumbered by various hunting interests in other studies (Lundmark & Matti,

2015; Sjölander-Lindqvist *et al.*, 2015). The same respondent who charged GMDs with colonisation by large landowners also suggested that where wolf issues were concerned, discussions were largely meaningless because the SEPA routinely overrides the decision reached by the GMDs. *The delegations have reached decisions, and then the decisions have been scrapped and I don't think that's a very good thing.* Another agreed that:

That means, in actual fact, that the democratic process is non-existent. It's for show, to a large extent. You definitely see that today, large landowners and the SEPA decide the important stuff.

Indeed, the criticism was that the standing of local bodies in general were insufficiently integrated in the apparatus (even if they were provided with 'a say'), which facilitated going over their heads. Respondents in Dalarna county in particular bemoaned the creation of the GMDs as one of rising costs and bureaucracy without any actual mandate. *It's a total sham.*

Previous research has nevertheless found that delegates representing political parties are increasingly positive toward the GMD's ability to improve the state of wolf management. Indeed, they are positive insofar as it is seen as an alternative, however imperfect and limited in mandate in practice, to centralised state regulation (Lundmark & Matti, 2015). It remains to be seen, moreover, if the GMDs can find their working form and secure their working mandate better within the coming years, becoming a more integral component of the decision-making apparatus for wildlife management.

6.2 Moose Management Areas (and 'Boards')

Moose Management Areas (henceforth MMAs) constituted a topic that was raised autonomously by the respondents, as the interview battery had failed to anticipate the importance of this (also new) platform. It proved to be one of the less popular, but also more divisive platforms at which hunting issues could be broached and, more importantly, where decisions pertaining to regulating moose harvests were deliberated. That MMAs provided a more proximate and relatable organ for hunters than remote parliamentary channels was intuitive given its direct impact on that which hunters could hunt, how much, and where. *What's interesting about the MMAs, one respondent considered, [...] is that it's not a government directives but something we've put together from the bottom-up. It's from hunters and landowners coming together.* Given the autonomous establishment of the MMAs, one might expect this platform to enjoy higher legitimacy among hunters. However, this was not the case, and respondents indicated that when left alone, the endemic power imbalance

between hunters and large landowners in this setting undermined the legitimacy of this forum.

The most common critique by respondents was that, much like the GMDs, it was a forum that was colonised from the outset by large landowners, who had a disproportionate influence on proceedings through their positions on the MMA board. This included setting high quotas for annual moose hunts, in an interest to save their forest plantations. *The problem*, as one respondent identified, was that the position of large landowners vis-à-vis hunters did not look after the best interest of the moose. The quality of populations now had little impact on informing quotas, whereas *the forestry's crop damages* had all the weight in reaching these figures. The respondent claimed the issue of decimating the moose population was simply paid no heed in this forum: *It's never even talked about. They're just focused on numbers. I think that's terribly wrong when we come to them with a wildlife management plan.*

The development, according to one hunter, signalled the *total lack of qualitative thinking [...] the moose population is to go down, at any cost.* A third respondent lamented the conduct of the MMAs: *When it comes to the moose population, it will be entirely decimated within five years.*

Large landowners were characterised as possessing the kind of authority in this setting whereby they could exclude hunters from the board, replacing them with other representatives. *We want to lower the quota, we can't do that because we'll be written out of because [the large landowners] don't think we do our part.* Another argued that when the large landowners were against you, it was about as productive to try to debate as *trying to fuss with the SEPA*, the implication being it was impossible. Another respondent resented the *upper hand* of landowners, reflected clearly in its deciding vote in the absence of consensus. A third respondent traced the power of the landowners to the conflicts that could arise in these settings, where a *displacement of power* had taken place consolidating authority with landowners to the detriment of moose. As others contended:

Generally I'm pretty sceptical toward what goes on there. It's too much under the control of the forest companies. The little landowners have very little say. Same with us who lease.

The whole point of MMAs is to give the large landowners more of a say on quotas.

The usual gripe is that small landowners have no say. They don't have any real influence as the large landowners have the deciding vote. So in practice that's decision power.

Reflecting on the issue more generally, a respondent considered “The question is who should have the right to decide. Which interest groups, is it landowners, is it the state, or is it private owners or even the forest companies who have had a big say for a while now? So there’s a whole lot of power at play that ultimately steers things.” He suggested the scientific credentials of arguments should foreground such decisions, although he failed to specify whose science.

Another saw the problem of the MMAs in terms of jurisdictional misfit. *The trouble is we have three [MMAs] that cross into each other. And you can definitely say that they have very different directions which means we’re stuck between three MMAs that collide.* This was seen as a practical issue also when hunting, as the jurisdictions meant moving across boundaries in the forest that entailed *a whole new set of rules.* A respondent explained the predicament as: *If you take one step over to the other side you can choose [bulls].* On this view he felt that *[the] whole construction loses legitimacy before hunters because there’s such lacking coordination between the areas.*

Other respondents saw the issue in terms of an inadequate transparency of the Moose Management Boards, though one admitted this may be partly due to his lack of knowledge about the process. More positive experiences of the MMAs came from Dalarna hunters – the latter as the ever staunch advocates of landowner rights historically and in the present. Here, the MMAs had an important role in improving communication across borders and dispelling old misconceptions and jealousy between neighbouring domains. It also contributed to better coordinated moose management, which was not co-opted by the state. Even among these positive conceptions, however, the respondents who extolled their virtues in this dimension also noted success was always contingent on minimising the influence of large landowners on the board. With smaller landowners, they argued, things worked most smoothly.

6.3 The Hunting Institutions

The two primary hunting associations in Sweden, the Swedish Hunting Association and the National Hunters’ Association, were constituted in 1830 and 1938 respectively. The Swedish Hunting Association enjoys a high membership of approximately 145,000 hunters while the National Hunters’ Association has a more modest membership of some 30,000 or so hunters. The latter originally formed as an organisation budding off from the Swedish Hunting Association, in what has been taken in a bid to serve as an organisation closer to the common people. Many respondents I encountered viewed the function of the hunting associations as a practical intermediary organ between the state and hunters, where they could clarify directives of the

former and carry hunters' voice forward. Although the hunting associations are not official channels for participation in the same way as government platforms, they constitute platforms in which contentious issues are discussed, where hunters can make themselves heard, and whose lobbying has a *de facto* impact on policy. This is especially true of the Swedish Hunting Association, which was said to be *one of Sweden's absolutely biggest and strongest lobby organisations*. They are, in other words, key sites of the deliberative system over wildlife management. Another similarly contended:

It's almost agency-like. It's that strong. I don't know that you can compare it with anything [...] the National Hunters' Association is more of an association in a different way.

One respondent argued that although he had confidence in the Swedish Hunting Association to represent his interests, he noted he would be sceptical as a non-hunting citizen toward its profound influence in some questions. That the Swedish Hunting Association provided a valuable enclave and platform for the hunting collective in Sweden was affirmed by multiple respondents who enjoyed membership. A recurrent theme was the humility and understanding and *culture of engagement*, or its contribution to a *well-functioning culture* among hunters, something which made hunters on the whole more amenable to discussing controversial hunting issues. Being a member of either organisation meant *forcing you to think through what your position on issues are. That means you'll be prompted to read up*. This respondent argued that failure to join a collective and reflect on your opinions on critical issues like wolf conservation meant you could simply *sit at home in your cabin and think this and that. It's less fussy [noga]*. The implication here, then, may have been that relative isolation from others had meant an uncritical stance in the private sphere. It was likewise argued that no matter how frustrating one might find the Swedish Hunting Association, it was preferable to stay in it *...and try to influence things, than to exit it*.

Another respondent suggested people in general were quite good at getting involved in these associations and pushing for change. A third respondent affirmed: *It's actually great. That there are people who get involved and work for these issues*. But another southern respondent noted that at present, the reality was approximately only half of Swedish hunters were members of the Swedish Hunting Association, *The other 150,000, no one has a clue about them, where they live, or how to reach them. And we have to reach them. It's a problem to get to them I think [...] if we lose them we lose the whole countryside perspective*.

As an active member of the Swedish Hunting Association, he noted that *We're good at preaching to the converted. To those who are already engaged and know the issues. It's no problem getting a discussion there. The challenge is to reach out and include everyone.* One hunter suggested the associations were imperative to the survival of hunting as an institution by assuming responsibility for the collective. *I think the Swedish Hunting Association is best with that. So it was natural for me to join up with them.* The Swedish Hunting Association was commended by a little over half of the respondents interviewed, who felt that as well as an overall working structure, individual persons – like Daniel Ligné – provided good mouthpieces for hunters and inspired confidence. *It's the only organisation as I see it that has a proper chance at speaking on behalf of hunters in a good way.*

In terms of uptake of their members' opinions, respondents generally observed a difficulty within the Swedish Hunting Association's split allegiance – to hunters on the one hand and to the government and its policy on the other. *They've stepped up and listened to their members,* one respondent argued, but this was predicated on lapses in accommodating the views of their members in the first place. Others noted of a steadily improving legitimacy:

They lost a bunch of members a while back which set in a bit of a panic.

Now they're more alert [...] they used to be so far behind on the wolf issue.

I do feel more confident about them now than a few years back [...] that's when they realised they needed to work to keep their members. That's when things start happening.

The respondent who had pressed on the importance of reaching out to off-the-grid hunters who tended to disengage from the collective, traced the inability of the Swedish Hunting Association to reach all hunters to its lack of status and position as a government agency: *A government agency could have done that overnight [...] you'd access the register and know each and every hunter. But we haven't had access to that for years. We don't know who hunts where anymore.* Others, however, indicated many hunters distrusted the Swedish Hunting Association *because* it was seen as co-opted by the regulatory regime to secure its funding (52 million SEK per year). As such, they theorised many disenfranchised hunters would refuse to collaborate with them.

Scepticism over the Swedish Hunting Association being two-faced with respect to its allegiance to the government was expressed by multiple respondents. Such was the price of power of NGOs more bounded to the rules of the playing field of the system; they could not challenge politics too strongly without compromising their own legitimacy (Gordon, 2008). One respondent

had submitted a motion in the past asking for the association to relinquish its government mission so it could become a purer and less bounded interest organisation. Within this, some indicated the Swedish Hunting Association held an unfair advantage over the National Hunters Association by colluding with the government:

They receive a very big grant from the state. But do we really need Öster Malma with all its costs and many employees – do we need that many? Isn't it better [...] they should forward our voices because we fund them through membership fees.

The Swedish Hunting Association does not represent my interests any more. They are ruled by money.

They got a lot for free from the government and the parliament. So I think it could be good for the Swedish Hunting Association to [...] let go a little and put their money where their mouth is.

The respondent behind the latter statement continued by stating: *They've received enormous grants compared to [the National Hunters Association]. It's better now than before, where if you calculated per member the Swedish Hunting Association received I don't know how many more times than we did.* The implication was that although the Swedish Hunting Association had performed well, they had [...] *also taken care of their position*, a euphemism for their opportunism in working with the government. That the Swedish Hunting Association was seen as compromised, money-grubbing or only contingently on hunters' side was reflected in a few respondents' decision to leave the organisation to instead join ranks with the more independent National Hunters Association. The final drop was most often a sense of betrayal over the wolf question, on which it had been weak.

Not to be mean to SJF but they haven't exactly been so nice to hunters in the wolf question. They haven't been on our side in the way that the JRF have.

[The Swedish Hunting Association] says one thing, they move the boundaries all the time, they don't have clear directives. They don't help up in this issue. I know a lot of people within the ranks there that I've talked to... I've never received clear concise answers [...] so... yeah I lost faith in them. I resigned my membership without further notice.

Others said the following:

The Hunting Association I have zero faith in because all they do is undermine the hunting collective.

They SJF dropped the ball [...] I hope they wake up and try to regain their members.

Several respondents correlated the increase in membership with the National Hunters Association with loss of faith in the ability of the Swedish Hunting Association to remain a critical and hunting-representative organisation in relation to the wolf and large carnivore conservation issues. *They actually stand by their opinions*, one respondent said of the National Hunters' Association. This reflects a development where previously allied or associated organisations flank off – one toward a path some view as compromised playing politics pandering to actors in institutional settings and the other as offering a more radical participatory alternative – is not uncommon (Seel & Plows, 2000)

To this end, however, a small selection of respondents were relatively vocal about the failures of the organisation they were not in, seeing it as a source of competition for their preferred association:

I've been a member of both [...] some of the things [with the National Hunters Association] don't feel very thought through. They feel baseless.

Having been a member of both, one respondent contended: *The Swedish Hunting Association feels more thought out*. Another declared:

The Swedish Hunting Association has called the National Hunters Association for 'poachers' because they don't want to join in the ranks of the larger organisation and the National hunters Association looks at SJF and says bloody pheasant hunters.

But four respondents also lamented this constructed opposition, criticising it for being *silly* given *they are working toward the same thing* and that in reality, *there are rarely conflicts between the two associations*. *When you talk hunting with them, it's not like there is a big difference*. Another respondent argued: *It's pretty unfortunate there's internal resistance. I can understand the need for two organisations because not everyone is on the same level. But that they oppose each other is really stupid*. To merge was seen as strategic by another respondent: *It's better to be one strong front*.

Another saw significant common ground between all three hunting associations and held membership in each – the third one being Folkaktionen Ny Rovdjurspolitik, a radical association with no state funding. Others, as contended, were more critical and saw the differences between the organisations are irreconcilable. To one respondent, this was however positive: *I think it's good there's one interest and one lobby organisation*. But this was a minority opinion. Of the National Hunters Association, respondents critically

observed a tendency to be *all talk and no action*, and sometimes unhelpfully subversive:

Sometimes they're a bit populist in choosing zero vision for wolves and stuff like that. That might look good on paper but if you have any sort of respect for democratic decision and the way we organise society you can't really say we should have zero wolves in Sweden.

I don't think the National Hunters Association carries a very sympathetic argument. I think they're too noisy and angry in a way that's not constructive at all. They appear as wanting to cause a ruckus, almost obstructionist in the wolf issue, even if I think they may have a point. But they make it in a tactless way.

The National Hunters Association are pretty loud about not wanting the wolves. You definitely hear them when they want to be heard.

I really don't like The National Hunters Association's predatory politics.

There was resentment, moreover, toward the history of the two organisations whereby *nearly all leading members within SJF originate from large estates down there*. Within this, there was an upper class connotation to the former that was associated with *value conservative stances* around invented or actual traditions. As such, the National Hunters Association was sometimes taken as the more progressive organisation. Some of these respondents noted having been a member of both organisations, having eventually sided with one or the other. Oftentimes, their inimical stance on the wolf was a source of both alienation and populism to hunters, attracting some and alienating others.

6.4 The County Administrative Board

The role of the County Administrative Board (henceforth CAB) is to implement government legislation in regional counties, and this extends to diverse sectors like agriculture, nature conservation, public health and infrastructure. In hunting issues, the CAB coordinates between landowners, hunters and the state to ensure wildlife management proceeds according to regulation, and that any damages associated with wildlife are compensated. As of 2009, the GMD (described above) provides the democratically mandated organ of the CAB in which such decisions are taken. The CABs also process inventory provided by hunters on wildlife populations. To do so, they have 'nature inspectors' in their employ which have a mandate to inquire about hunters' license. CAB civil servants are locally based and often familiar in the area as they undertake a great deal of practical work, especially in relation to

wildlife damages, to licensed culls of wolves and protected hunting of carnivores who are deemed a risk.

Respondents appeared to be closer with CAB civil servants than those working in any other institution. *It's very tied to individual persons. That person I was referring to earlier [...] he has a certain background, he's a hunter himself, he has a completely different understanding for the sorts of questions and issues we deal with as hunters.* Two others said:

I do have pretty high faith in those people there who are knowledgeable about what they do.

We have some good folks there, but I wouldn't say I have trust in all of them.

One respondent reflected on the hard work of the civil servants and contended he

[...] struggled to see how laymen and hunters could do a better job.

One person here at the CAB in Skåne who deals with the hunting issues is someone I have a lot of faith in.

Another respondent recalled *having a good guy at the CAB a while back*, but that this eventually came to an end. The respondent indicated that such alliances were usually short-lived because ultimately these were officers working for a system that was stacked against them. Another saw it as a case of irreconcilable backgrounds to hunters:

Many [...] do not have the background you and I have. They might have the formal competence but not the practical competence. They don't come from hunting or agricultural homes but get themselves a theoretical background [...] practically speaking they have no experience. So in many cases I have high confidence and in many others I don't.

These formal competences and theoretical backgrounds, moreover, were invariably taken to be biology, ecology and genetics. This narrowing of backgrounds helped constitute a particular working culture. *Biologists are really a kind unto themselves and they have a pretty limited job market as you can understand. They can become teachers, they can work for the Swedish Hunting Association, or they can end up at the CAB or at university.*

Of the person with whom faith was placed at the CAB in Skåne, the respondent added: *But then he has an environmental director above him. A female one you perhaps don't have as high confidence in. She's said some*

strange things connected to the wolf [...] she made a mess of it. You have to be very careful when you speak about these things.

Interestingly, a respondent reflected positively on the sense and tact of one such civil servant – a nature inspector – who was himself a hunter and a local, but concluded by conceding there was never 100% trust as he was still compromised by working with the CAB, *He's sold his soul*, he joked, noting he could never truly be one of 'them' [hunters]. This was observed by other respondents, who argued some individuals could be trusted, but ultimately that they were working for the system and any display of shared positionality was illusory. *I trust maybe one person but I know he is so polished. They all are. We're on your side.* This could result in occasional responsiveness of CAB to listen to hunters' concerns, but it was varied from county to county and the sort of wildlife it concerned. Responsiveness was especially highlighted during wild boar damage to local crops, where in some cases CAB would permit mobile baiting sites and lighting equipment so long as one applied. *That stuff is otherwise exclusive to protected hunting, so... some things are good. Some is less so.* At the same time, successful collaboration with civil servants – those who were not *ornithologists or biologists* imparted a *sense of involvement in planning* for one hunter.

In relation to some of the reported head-butting between local hunters and CAB civil servants, Hedin and Törnvall (2015) describe an investigation of suspected illegal hunting of wolves in Dalarna county as a stigmatising and warring process whereby named nature inspectors become the subject of hunters' hatred. But also how such nature inspectors take it upon themselves to convict hunters at any cost, often to the point of engaging in protracted personal vendettas with them. In this study, there were clear limits to hunters' appreciation for the work of the CAB, and ambivalence toward CAB servants was shared by a majority of respondents. A small-scale livestock owner respondent suggested the relationship between the CAB and farmers was even worse as their policing role became more prominent in frequent control visits to farms, where the task was seemingly to identify faults. It led to livestock owners being on edge and feeling policed, where before the responsibility to assess compliance had resided with the municipality, who had held a much more consultatory function that seemed to be on farmers side.

The primary gripe by hunters toward the CAB was not with its employees but with its relative powerlessness in what was seen as a corrupt system with unwillingness or intransigence to seriously delegate management from the central level. One respondent contended *We get this impression that the CAB has been overruled all the time by higher bodies.* He said the state ultimately interfered with local management which, *when push comes to shove, doesn't*

happen. It's always top-down and it's difficult to trust in them things don't stay as you've decided. Another respondent agreed on the top-down governance that circumscribed the work of the CAB: *There's politics whether you want it or not [...] it can often result in a conflict of interest between what the public wants and what individual politicians want.* An older respondent acknowledged that at county meetings [kretsmöten], everyone had a say, but that this was instantly complicated as decisions moved up the ladder.

As such, it was a common refrain among respondents to say that governance at the level of the CAB was the *idea all along* but that the apparatus circumscribed this possibility by overriding their decisions. *They've appealed the whole damned time almost every decision so nothing comes of it. Its decisions cant be realised in practice.* Others observed a 'vetoing' effect of ENGOs undermining the work of the CAB. As one respondent argued: *the local bodies need to have a bigger and better say [...] there's decisions over their head a lot of times.*

The second biggest gripe toward the CAB was critique toward some objectionable inconsistencies at the local level, *It's awful. There's different regulatory frameworks for protective hunting of wolves if you live in Skåne or Kroneberg. In Skåne the CAB provided the money for the hunters but in Kronoberg the applicant had to do that. You can't have those kinds of discrepancies under a national law.* The same respondent further told *They had to retract their application, because the applicant couldn't afford the fee.* He declared it a strange predicament that two adjacent counties could have such disharmonised systems: *you'd cross a border and all of a sudden there's a different opinion. [the wolf] was shot in Skåne so that day they were paid, but not the day before where they had hunted it in Kronoberg.* Some hunters found a clear need for the CAB to harmonise procedures nationally, stating at present regional differences in the implementation of national directives had *[...] become too great and I don't think that's acceptable.*

Granting of licenses, either for hunting or for weapons generally, was a problematic and much debated chapter that varied from CAB to CAB in an *arbitrary manner* whereby time scales for issuing them could range up to months in some counties, like Stockholm and Skåne: *That might ruin a whole season for many.* The process was taken as *pretty limiting* on a hunter's experience. A respondent relayed how he circumnavigated this issue by registering himself at another county, in Falun. That navigating the process for granting of licenses for protective hunting of wolves was notoriously difficult was confirmed by multiple respondents, because of the bureaucratic complexity and inertia involved in reaching such decisions. The chair of the Federation of Swedish Farmers, Helena Jonsson, has argued this arrangement

sends the message of “please hold” (*‘var god dröj’*) to farmers and hunters in need of the emergency relief from their CAB (Ljung, 2016).

With a few exceptions for individual civil servants, the CAB was also widely perceived as an authority that followed rules, for good and bad. This much was implicit in their mandate. *You do what you’re told at the CAB. But the SEPA sometimes provides unclear rules for them. So there’ll be a bit of chaos. I don’t think that’s working very well.* Much like the GMDs, the principal issue was that of scaling up and down decisions within the apparatus for wildlife management. A majority of respondents discussed the uncertain mandate of the CAB by having to work from both ends—the local people and state directives.

Finally, one respondent suggested the CAB had started off rocky by having a tendency to fall behind in crucial matters:

I blamed the CAB for most of the moose explosion in the 1980s. Time and again we would report in an ever increasing moose population. The quotas set were too low. It used to be the CAB that directly issued quotas for each hunting team and they were 10 years behind. Then came the grazing damage and then came the mass slaughter. CAB are nearly 100% to blame for that. But that was then and it’s probably professionalized a lot, so no bad blood.

Interestingly, the sometimes archaic format of the CAB was criticised by another respondent who purported the CABs had now run their course. *It’s one of our eldest institutions. It’s been here since the age of Gustav Vasa.*

6.5 The Swedish Environmental Protection Agency

The Swedish Environmental Protection Agency administrates funding over nature conservation matters, including Natura 2000 projects under the Habitats Directive, the protection of forests, and miscellaneous conservation efforts that protect the integrity of the natural environment in Sweden. They identify their mission as threefold: (1) compiling knowledge and documentation toward informing environmental efforts, (2) developing environmental policy for the government to ratify and (3) implementing environmental policy and ensuring compliance with the Environment Code of Sweden. They now also include in their remit hunting matters by administrating the state hunting license, for a fee by hunters. They are the ‘top dog’ of wildlife management, insofar as it is their responsibility to ensure species enjoy sufficient protection and rights.

The SEPA constituted a divisive and frequently sore issue among respondents. When asked about their faith in the SEPA, answers usually ranged from *very low* to *quite low*, though four hunters thought they did a good job

given the circumstances, indicating the problem was systemic. On the one hand, a critique among the more sceptical respondents was that a conservationist agenda were seen to suffuse SEPA missions and employees in a way foreclosed the possibility of any unbiased wildlife management:

The SEPA has a conservation agenda and that's not reconcilable with using anything.

I think there are a lot of 'nature-lovers' there who are perhaps a bit biased on certain issues.

Much like the CAB, people were explained to [...] *gravitate toward and find work at the SEPA* because of their vocational and disciplinary backgrounds. But this had a more sinister dimension than that observed for CAB employees, in that such a move was theorized to be undertaken less to do what one loved, and more [...] *to inflict maximum damage and misery on hunters and to put a stop to as much as they can [...] there's possibly some balanced people there who approach it professionally, but the ideologues*. The saboteurist disposition of civil servants at the SEPA was something that was highlighted by multiple respondents. The point of departure of employees and the agencies in which they worked was held to be: *How should we infringe on the rest of society's liberties to undertake protective measures for this species?* These persons were termed *ideologues* whose sole purpose it was to *put a spanner in the works*.

An opposing opinion was however expressed by a northern respondent, who explained the issue in terms of state authorities always policing citizens, and that hunters were no exception in terms of either the presence or severity of institutional oversight. *I'd like to see less state intervention everywhere, in all sectors, you know. But I don't think that hunters have had it worse than anyone else really [...] it's not unfair for hunters that there's an authority that can make their lives hell*. In so doing, he nevertheless implicitly affirmed the perception that the SEPA was out to get hunters, even if this was not unfair per se.

Similar to the critique toward the circulation of CAB civil servants, respondents cited shortcomings among certain civil servants within the SEPA. One explained that in theory, a civil servant should be transparent and replaceable, insofar as anyone of suitable education could do the job and you would not notice a difference:

But the problem is you do notice. If there's a new person, there's a whole new set of personal beliefs you have to adapt to.

9 times out of 10 it's specifically connected to a person. They drive their own little soapbox issues.

In Dalarna, hunters were strongly opposed to named civil servants, but also suggested the problem reflected the path dependency of a SEPA working culture. Hope that things would improve with the retirement of particular individuals had been quelled as new *idiots* were pumped in on a conveyor belt and standardised to the SEPA's format. *Even if they set fire to them all it would be no help.* A respondent with a police background noted that much like in his work, there had been a politicisation that was both brought in by and reproduced by certain civil servants. *Like other state authorities, they've become very politicised [...] it's unfortunate.* More broadly among the sceptics, when probed for the sources of their distrust and/or resentment of the SEPA in hunting issues, what emerged was a sense of abandonment of hunters by the agency and a move toward pure conservation, minus management.

The SEPA has made it so they operate with a conservation agenda: they're to protect and conserve – so there's no management aspect. It's just not there.

I disagree with many of their decisions [...] they increasingly dislodge from the hunting sphere and it's more like, different interests.

This was inextricably tied to the wolf issue, around which the SEPA was seen to have left hunters behind by gradually pursuing a conservation agenda that showed little regard for other sectors:

I feel like the SEPA has increasingly veered toward those who want to protect the large carnivores first and listen to hunters second.

They don't have the backing of many hunters in what they say and do. It goes back to carnivores, which makes you lose trust at one end. Even if they do a good job in the other end.

Another respondent, however, observed the opposite: *It's more like the SEPA has joined hunters' side. At least partly.* He suggested it was now *Not all against all but all against the EU.* A different respondent viewed it in similar terms: that the SEPA itself was now 'overruled', but did not specify which institution or interest group did so. An overwhelming majority of respondents, however, affirmed the sense of abandonment and betrayal by the SEPA, especially in relation to large carnivores and wolf conservation.

In terms of systemic overriding of decisions, the SEPA was often the chief culprit, overriding CABs and even government directives. For example, the SEPA was seen to act curiously when it received minimum viable population levels from the government and proceeded to make their own decisions.

That's crazy when they don't honour the government's suggestion but reach their own [...] they actively work against it.

If I understand it correctly, they want to allow much more carnivores than what hunters, the Swedish riksdag and government have decided needs to be the minimum value.

Bypassing the Swedish government could either be overt, or it could be in more deceptive terms of hiding numbers for large carnivores. *They'll come out and say there's only one wolf per territory at the max [...] they fool the government. Those clowns just accepted it. It's just so exasperating [...] it was definitely intentional.* The matter of overriding decisions, it seemed, extended beyond governmental suggestions to overruling locally mandated decisions as by the GMDs. *Every GMD reached numbers for the lynx and wolf they could accommodate in their counties. Then the SEPA ran a sledgehammer over all that and did as they pleased.* He traced this to a growing apathy in becoming involved at the local level: *It goes without saying that no one will care enough to engage in the issue in the future [...] the 'collaboration' has misfired. The SEPA are mostly to blame. If they handled things better, things would run more smoothly at the CABs as well.*

This point of criticism of the SEPA turning away from the central government was raised by other respondents, and it was seen as a severe enough issue to impair the legitimacy of the entire apparatus on wildlife management. *The SEPA sends directives to the CAB and to the GMDs. So if we don't have all our ducks in a row at the level of the authority there, you can't expect things to work well out in the counties either.* The overriding of both regional and national decisions constituted the by far most critical attribution of blame toward the SEPA. Respondents particularly discussed *the circus* of legal appeals concerning license hunting of wolves (to be presented fully in chapter 9), where the SEPA was attributed with much of the blame by accommodating *strange appeals you had no idea were possible.* To another hunter, it was imperative the government now *go in and sort this mess out*, providing checks and balances on the SEPA.

Other respondents saw that the blame for the legal appeals was not entirely the SEPA's but rather that of the collective of conservationists and animal rights who had co-opted them. But the SEPA was not faultless. For example, when the appeals were done by ENGOs like the Swedish Nature Protection Association, the SEPA was accused of bankrolling the operation:

The Swedish Association for Nature Protection has two full time solicitors who are financed by the SEPA. Their only job is to appeal these decisions. Which the SEPA makes. There's just something not right in the whole system there.

Mishandling on the level of the SEPA was held to have more severe consequences. It was taken as reflective of a systemic predicament that originated when Sweden joined the European Union in 1995. On this view, increased international commitments took Swedish politicians away from issues at home, which were delegated to an increasingly powerful culture of civil servants at administrative agencies. There were not elected officials, but personnel who nevertheless assumed tremendous influence while politicians were away on what they deemed more important matters. The SEPA was cited as a civil servant culture with undue influence today. With civil servant governance of society, moreover, laws had been subject to a slippage effect whereby civil servants detached from political accountability and conducted their operations on the basis of their own grammar—of bureaucracy, or particular animal rights interests. As such, the SEPA was taken to represent a profound *mis-relationship* in the way society was now governed.

In summary, the SEPA enjoyed little support among respondents, which was slowly getting worse following the license hunt appeal ‘circus’ (to be elaborated in chapter 9), the increased accommodation of conservationist ideologues within its ranks, and the abandonment of a user group or management perspective of wildlife in favour of a pure conservationist agenda. The SEPA had backed themselves into a corner from which its legacy would now be difficult, or in the belief of Dalarna hunters, ‘impossible’ to shake.

They’ve really messed things up. Even if we don’t have wolves here their behavior and their attitude toward wolves matter. They matter to my perceptions on wolves. [...] I have zero faith in the SEPA, at least where hunting issues are concerned.

I think they’ve time and again proven they can’t handle their mission.

You’ve really made a political mess of it”, a respondent said, [...] we could have handled it as we did with bear, which is uncontroversial to hunt.

When asked if the respondent’s trust in the SEPA had decreased, another said yes because the SEPA do not live up to their words. *They haven’t done so in the past few years.*

6.6 The European Union and the European Commission on Environment

The EU has a supranational mandate over environmental issues, which extends to the Habitats and Birds Directives. The Habitats Directive came into effect in 1992, in the wake of policy-makers acknowledging a sustainability crisis and the need for supranational institutions to take action. The European

Commission on the Environment is the chief administrator of the Habitats Directive as it pertains to the restoration of large carnivores across European member states, but hunters most often simply referred to it as the EU.

When it came to the EU, respondents' answers often converged around the illegitimacy of the EU as a remote paper authority, such as saying it is *easier to jot stuff down on a piece of paper than to see them through in practice*. To most respondents, it had little or no basis in Swedish conditions and was not seen to exhibit much responsiveness to local concerns.

This much became anticipated the more interviews were conducted, but approximately five respondents voiced what could be taken as more optimistic and ultimately more positive attitudes toward the EU in relation to hunting. Within this, three respondents phrased it such that it was perfectly *logical* to be subject to EU regulations. As one said: *The national state is no longer an independent entity. Say what you want about it. But we live in an internationalised world*. This much appears to be recognised by the general public, 77 percent of which now consider EU legislation a requirement for the successful protection of nature in their country (EU Commission on Environment, 2015). They view nature as a transnational good.

The other respondent viewed it as important to respect the democratic decision on the part of Sweden to become a member of the EU. *A decision taken to be in the EU had been made, and it follows that they will affect how we do things*. As such, rules from the EU level [...] *have to be respected and we just have to ensure that we try to influence them in whatever way we can*. He argued criticism toward the ways in which EU makes decisions and the debates within those ranks were to be expected, and that ultimately we could not disregard the EU convention regarding wildlife: *unless we exit the union and choose to not adhere to the directives we've signed*.

A third respondent likewise suggested the presence of the EU was positive, even in wildlife issues, and that the EU, unlike national institutions like the SEPA, had done a good job of self-promotion. A fourth respondent felt the EU was immensely important for keeping the peace, but similarly objected to the remoteness and irrelevance of some of its decision-making practices. As far as influencing EU level decisions went, however, a majority of respondent suggested in various ways that it was an arduous task because: *you can't have a dialogue on the level of the EU*.

Others conceded having some difficulty with demarcating which decisions were EU directives and which were national formulations, as they were seen to coalesce into a dense network of alliances: *Where they come from is difficult for me to say*. It was generally difficult, therefore, to demarcate the origin of rules, and less impetus for learning them:

I don't have a great grasp of the EU Directive.

Take the conservation directive for example, I don't think as a hunter you need to be all that savvy about it.

When asked why not, the respondent replied *because other people do it for you*.

The question is if they have such great influence in the first place. I think maybe it's a misconception that they do.

As such, several reflections were grounded in hearsay and speculation.

I don't know all the EU rules but I've heard the EU wants to prohibit hageljakt on deer for example.

Nevertheless, among those with positive attitudes it was also suggested that there was nothing inherently unreasonable about supranational decision-making to ensure the protection of endangered species in other countries, given these were *part of our common fauna, or our shared opportunity to have such a fauna in the future in case the animal goes extinct*. This was however challenged by another respondent's reflection that a Swede surely had to be responsible for some of the more curious detail regulation that applied to wildlife management in Sweden: *I struggle to see that someone from Germany would give a damn about wolves in Sweden. I don't think they care. I don't see what their political gain would be. Maybe I'm wrong but it's just how I feel*. This was partly affirmed in other respondents' shifting the blame toward a named Swedish politician, who had apparently thought the woodcock prohibition was an excellent idea. *There is no basis for it but it was Margareta Winberg who said it should be nice and quiet during the spring when the chicks hatch [...] it has no basis in reality but was entirely emotionally driven*.

The respondent who had expressed an understanding for protecting the shared wildlife of Europe also added that *of course, I don't agree with what the EU has decided but that's another matter. For me I'm OK with the EU making decisions but I think the decision on the wolf is particularly peculiar*. This sentiment was shared by another respondent who took no objection to placing decisions on the EU level, *but that doesn't mean the EU hasn't also messed up a whole lot*, when it came to the procedures behind them.

Beyond these more nuanced reflections on the role and importance of the EU in general, remaining reflections turned increasingly critical.

This much coheres with the findings of previous research on the countryside's perception of a Europeanisation of the rural, of wildlife, and the

de-territorialisation of what used to be local resources (as in France in Mischi, 2008). This, of course, is not merely a EU phenomenon, as a global conservation agenda is frequently criticised by locals for appropriating local as global space (as in Pakistan in Butz, 2002), or “green-grabbing” natural resources for future generations (Snijders, 2012, p. 504).

More specifically, two of the four respondents who had commended the EU also observed *the good bureaucracy* now undermined its praxis. The people working in the EU ranks were not to blame, the respondent suggested, but greater attempts to honour the local needed to be taken. Interestingly, however, another respondent observed that he could find little fault with the EU as an organ, but that it attracted *too many union idiots*. These were blinded by their ideologies: *If you're a bureaucrat and want to make a career you probably only see things from your perspective. Yes, from your lens.*

One respondent who had initially commended the EU observed the same thing regarding displaced levels of decision-making: *It's a bit like how the nature romantics up in Stockholm decide on how realities... it can't be that they sit down there in Brussels and decide how it's to look in Sweden. They sit down there in the bustling metropole and decide on our local geography in Sweden.* A more critical respondent turned the analogy on its head: *It's a bit like deciding about traffic congestion fees in Stockholm. It doesn't really affect us. [...] it becomes a bit crazy.*

The remoteness of the EU and its lack of concern for local and national diversity constituted a point of criticism sounded by a majority of respondents. *What can you say really... [the EU] don't know a thing about the ways things look in reality when they decide on these laws. So oftentimes they don't relate to any praxis.* The same respondent later added *at least, it's more difficult to generate acceptance and ensure compliance with a law.* Above all, respondents criticised the EU on the basis of wanting to implement directives uniformly across a heterogeneous Europe:

That thing about EU harmonising across Europe [...] that's when it starts to get uneasy.

The EU shouldn't interfere. Hunting conditions vary regionally across Europe.

They sit and decide about the wolf in Värmland which they don't have the slightest clue about. [...] the EU doesn't have a lot of support in Värmland these days.

In my opinion the EU interferes a bit much in local affairs. You just can't formulate a law that applies across the EU. They have to take into consideration local conditions.

Reflecting on the diverse social, political, topographical and ecological conditions across member states was a primary refrain to challenge the viability of EU's 'blanket' strategy.

I think the issue is it looks so different across the EU and still the union is trying to implement the same rules. That becomes a problem for us, for sure. [...] to have the same rules for hunting in Southern Italy as we do in Lapland, I think that's when you run into problems. It won't work. The nature is different. The traditions are different. The countries are different.

I think too little attention is paid to [the local]. I mean, Italy, Germany, Austria and Sweden aren't the same.

No one really understands why the EU has to meddle with what we hunt here. We have one fauna here and an entirely different one in Italy and another one in Spain. So why should the EU interfere locally? I mean our situation with the moose... that's unique here.

The EU basically reasons that we have a low wolf population and therefore should not hunt it. I mean that's the same as saying the moose should be protected because it's not down there [in Europe]. That makes it very 'endangered'.

Some even contended the wolf sub-species differed from Northern and Southern Europe:

They've got a different one to ours. I think there's one type in Spain and another in the Balkans. I believe we have one of those Russian-influenced ones [...] down there they're more like dogs.

These reflections sometimes also helped articulate a critique on the senselessness of working with the same rules for countries of widely different preconditions, while in practice working with different *standards* for enforcing them and for tolerating transgressions. Varying commitments and expectations of member states in implementing and enforcing the Habitats Directive is now a concern of stakeholders surveyed by the European Commission on the Environment (European Commission on Environment, 2015; Trouwborst, 2015). Differences in estimation methods for wolf populations are also acknowledged. Here respondents argued the EU implicitly tolerated disparities and derogations between member states' levels of and commitment to compliance. The argument was that Sweden, by virtue of its transparency and 'naivety' in reporting anything and everything to the EU, brought on itself higher expectations and administrative burdens that did not befall the countries that skimmed on reports, hid wolf numbers and

tacitly supported or condoned illegal hunting in the countryside. Swedish goodwill and law-abidingness, moreover, were held to *punish themselves* in the context of EU membership.

We're all goody-two-shoes about our management. As soon as they start sharpening a pencil down in Brussels we're ready to throw in the towel. Can you imagine if they would treat the French like that? They'd have so much manure piling up outside their offices.

Contradictions and inconsistencies in the EU was also criticised in relation to sectoral policies: *The EU has no idea what one hand is doing. [...] I mean take the agricultural policy and the countryside support together with the habitats directive. [...] what were you thinking? How did you decide that was a good idea because it's a bit like one part is paying to do one thing and the other part is paying to do the exact opposite?* This perspective was voiced by another respondent, who argued some EU projects had generated clear benefits for rural residents, but that the net gain was offset by conservation directives for wildlife: *It's such a shame to negate that gain.* Within this, the EU appeared at once as flimsy and as commissaries pursuing a hardcore ideological agenda.

A respondent criticised EU procedures for being driven by blind faith and paying insufficient attention to the *biology, ecology and genetics* available as decision making support, instead basing it on having [...] *decided to feel sorry for the animals.* In general, trust in the EU was low across the selection of respondents, and also in how they reasoned their peers felt:

I imagine most people are bothered by EU's interfering in their hunting.

You might say it's wrong to make decisions down there in Brussels. A lot of people object to that. I can definitely understand them.

I think the average person finds it really problematic that the EU can interfere in our local and cultural praxis of hunting.

As contended, reflections about peer perceptions rather than personal opinions were the norm in this study. But such insights added value insofar as one's own perception of the legitimacy of an institution is contingent on sensing one's peers accept the validity of the institution (Berger *et al.*, 1998). These reflections thereby relayed personal views about legitimacy and trust in the EU through the veil of peer attitudes.

Apart from the ubiquitous wolf issue which had *gone too far.* *The politicians know we don't have any kind of legitimate wolf management in the country today. It's such a shame but it's actually the EU's fault,* an unanticipated juncture of injustice regarding EU interfering with wildlife and

hunting regulation became apparent in the wealth of reflections on the illegitimacy of the EU's changing rules for bird hunts, and the subsequent resentment of hunters. This much has been demonstrated to serve as a vector for the collective mobilisation of hunters' resistance in for example France, culminating in symbolic illegal shootings (Mischi, 2013). In Sweden, likewise, criminalising bird hunts was an affront: *I have such low faith in the EU because they're so far away. [...] the birds directive for example [...] I don't know if you've heard about our woodcock hunting.*

The background, as it turned out, was that the Eurasian woodcock had become protected in a way that lacked any resonance with Swedish customary hunting praxis. In particular, such regulations had come about quickly and Sweden had yielded to such infringements all too easily, without evaluating them, and without consulting hunters for their expertise.

So the first thing they did was to ban hunting for that bird. Whatever it's called. I don't remember right now. The Monday after midsummer we were originally allowed to hunt it. But they moved it up to the end of September. But we can't hunt them then.

There have been many rules that Sweden's been way too quick to take on. For example the woodcock. That's definitely impacting quality of life.

I think we give in too easily with this kind of stuff. Take that kransfågeljakt with nets in the Mediterranean. That still occurs. We would surely never get to do that here. I think we should have been allowed to keep the woodcock shooting.

Indeed, inconsistency and harsher regulation for Sweden than for other countries because of Sweden's diligence in following laws was held as an injustice also in the context of birds. Another respondent lamented the loss of woodcock hunting on the grounds that *You still catch them in nets in the south. What's the difference?*

Giving into EU directives that criminalised customary bird hunting was observed by a respondent as having been worst in the first few years of membership, but that there will still be problems around uncritically accepting such rules. Respondents called for revision of illegitimate laws, to the point where they needed to become more dynamic. The 'rigidity' of the Habitats Directive and the Birds Directive, in particular, are commonly criticised by Nordic hunters (see the Finnish hunters in Bisi *et al.*, 2007). Here, it was held as desperately *needing review*.

Where the woodcock was concerned, the decision to criminalise its shooting was said to be dissociated from any practical wisdom. Its illegitimacy stemmed from the prohibition having been based wholly *on emotional*

grounds. Admittedly, its protection was ostensibly motivated by the need to save chicks, but as one hunter contended, 98% of woodcock flying around in the spring time are males, and could be shot without detriment to the population or the nesting females. Another said:

Something I really miss is the woodcock hunting [...] that was truly special. All research indicates it's only the male that travels like this anyway, so it doesn't harm the population.

The loss of woodcock hunting was sensed as a deep injustice on a personal level:

I think it's completely wrong for them to meddle and interfere. Take the woodcock for example [...] it's not nearly as nice to hunt them 1st of August when it's legal [...] it was a bit mean to bird-dog owners in my opinion.

Beyond the woodcock, the EU was said to have missed the mark when it came to arbitrarily protecting several other birds as well, including messy birds like geese, crows, ravens and cormorants. Another respondent observed grouse had become a contentious issue with EU interference that showed few signs of letting up. Indeed, a respondent from Dalarna noted trying to get any permits for bird traps, or general concessions in bird legislation, was like trying to drive through a brick wall. It can be noted that whereas the Habitats Directive permits the granting of special derogations under Article 16 (however difficult these may be to obtain in practice), the Birds Directive makes no such allowances (European Commission on Environment, 2015).

Here in Västerbotten it's a bit like they've meddled with our grouse hunting [...] it's become a sensitive issue also to the EU because it affects foreigner hunters wanting to come here and hunt it [who now can't].

The protection of the cormorant is highly, highly unnecessary [...] it exists in copious amounts, occupies islands, preventing the growth of trees and they shit down the place till it's destroyed.

Yeah you can hunt many species but not those that cause trouble. Those barnacle geese we have in all parks and beaches where it's covered with their shit. Those you can't touch now.

A respondent suggested the EU's recent protection of the raven was illegitimate. *We hunt it because, simply, it's a huge predator. He'll take a lot [...] he'll go for a lot of forest bird and stuff like that. That's why they want to hunt it. And if you look now you'll see that we've never had as much ravens in Sweden as we do now [...] it's protected by the EU.* Aversion to the EU's embracing of the raven

was palpable among several respondents. Interestingly, the raven constituted an animal behind whose protective status the law was seen as so illegitimate that disregarding the prohibition often took place.

But a lot of people shot it anyway. A lot of people would ask what they were shooting at and they would say I'm shooting at EU crows.

I think crows are a damned pest and we need to shoot more of them.

I don't think shooting crows is wrong. I'll happily shoot them myself.

In the first years of our membership there was so much fuss about not being allowed to hunt crow. They told us what we could and couldn't hunt.

Crows are definitely shot. That raises questions about hunting crimes. They certainly happen.

It's teaming with raven and it's a scandal that there's no lawful hunt for them. He's not so easy to shoot either. There's no risk of him ending up at the risk for endangerment.

In summary, the EU was seen as a remote organ ruled by a logic of bureaucracy or by ideologues. There appeared little practical connection to the repercussions of its directives, and it was criticised for being out of touch with conditions as they varied in member states. This was particularly reflected in the case of criminalising birds, the Habitats Directive, and accommodating different standards of compliance for different countries. Despite this, a minority of respondents held some sort of supranational coordination of shared European wildlife heritage was arguably necessary, even if they emphatically disagreed with the procedures by which prohibitions were enacted.

6.7 On the Establishment of a New Wildlife Management Agency

There is now talk of a potential establishment of a new wildlife agency that would consolidate many of the jobs at the SEPA, the GMDs and the Swedish Hunting Association. It is not certain, and has been in talks for a number of years, but the fact that it appears an item on the agenda of politicians attests to some desperation for changed premises around wildlife management. Respondents' attitudes toward the establishment of such an agency in the near future fell into three categories: indifferent, positive and negative, largely toward what they perceived would be increased bureaucratisation. Broadly, respondents also interpreted the wildlife agency in two ways: as consolidating existing tasks and agencies under one roof, akin to working together, or as

extracting hunting issues from the purview of the SEPA and giving it its own agency. Given this, their attitudes also varied.

One respondent urged for the need to settle on a format and stick to decisions as opposed to initiating new investigations and bodies to solve old problems. *It would instate a new institution so the old investigation/query would no longer be worth anything but now it's from scratch again.* He further saw that this process would entail another year passing without anything happening and *we'll likely get 200 more wolves in that time. That's the problem.* The new agency, according to him, reflected back-and-forth thinking, starting over and unwillingness to make decisions. *If anyone tries [to make a decision],* he argued, *He will get overruled anyway.* Another, politically active, hunter respondent conceded initial scepticism among hunters would be inevitable, as the same fate befell the GMDs around their inauguration. Like the abovementioned respondent, he suggested much scepticism was usually due to the fact that nothing would happen. *Another year will pass and you get a new one, there's a new man in Stockholm who's starting up investigations on top of this. That's how it is.* This criticism was repeated by another respondent who observed that *Going from talk to action is a pretty big step and so far not much is happening on this front.* There was a problem with bureaucratic inertia that seemed to serve the interests of conservationists.

Another respondent suggested the proposal was one of re-inventing the wheel, and considered consolidating existing agencies as opposed to starting an entirely new one. Another hunter observed critically that *everything in society seems to go toward simplifying, coordinating, systematising [...] just be sure to build up a better structure and keep developing it,* within this, he was sceptical toward the formation of the new agency. Another respondent traced this development of increased complexity to the EU. *It used to be simpler before.* Additional respondents shared such scepticism, with increasing exasperation:

It might be a better idea to develop what we have than try to make something new. I think at least it's easier.

It's basically the same as the GMDs. Another organisation, no thanks.

I have to say I'm getting the sense that they're just looking to make up new agencies at this point.

Generally speaking I'm pretty negative toward the establishment of new agencies.

One respondent observed that the regulatory framework seemed to be refurbished every five years or so and associated any new authorities with *further restrictions and infringements for honest weapon-owners* To him,

bureaucracy was first and foremost a way of infringing upon civil liberties. Others observed the rising costs that would follow trying to instate another agency: *They'll have to raise the harvest fees [fällkostnader] for moose to afford it*, which were already taken unfairly high.

Other respondents, however, more carefully considered the potential merits of the new agency in relation to the current situation. *It entirely depends on how it's organised and how it's recruited. It can be total catastrophe and it can be a brilliant move that would relieve the SEPA to do things that might be more important like nature conservation than spend resources on hunting*. The same respondent also saw the potential for the agency to confront touchy issues the Swedish Hunting Association currently did not dare to broach, citing the example of *'the weapons regulation stuff'*.

Another dubiously contended, *I don't know exactly how it will be set up but as I said it can't get any worse*. Others were more positive still, noting a wildlife management agency would *make a big impact for nature*, as well as having more pragmatic effects of facilitating leasing arrangements around hunting. *Why not*, one hunter said, *As long as they get some authority to them so they can go through with the decisions they take, I don't mind*. There was particular hope that a wildlife management agency could serve as a definitive ceiling when it came to appeals over license hunts, to prevent the matter from migrating away into the higher justice system. Several saw the formation as a potential *breath of fresh air* that could reinvigorate both public debate and hunting praxis. The new agency, one speculated, could have a *management perspective* with civil servants with backgrounds other than *marine biologists or whatever it is that they come from going to the SEPA*.

Importantly, the formation was seen as an important emancipatory move of hunting from the SEPA. *That'll be a big plus. At the same time you'll also get a more focused... the SEPA will get to do their thing and wildlife management will get their agency*. This was premised on the often *blurry lines* at the SEPA where civil servants were next office to wolf-huggers, which meant conflicting streams and a problematic predicament of expressing pro- and anti- stances toward license hunting of wolves at the same time.

It was interesting to note that despite feeling insulted by being designated by others in terms of 'pro' or 'anti' categories when it came to nature conservation, hunters often imparted a division of the field into pro- and anti- and the sharp division between SEPA and hunting – suggesting the SEPA was broadly anti-hunting. One respondent suggested it might not be a good idea to try to fit in conflicting positions under one roof. *What's good about today is we're often engaging with questions from two opposite camps. There's the SEPA with its perspective on the one hand and the Swedish Hunting*

Association on the other, and the National Hunters Association often have a different view still. He suggested this was good for the purposes of balancing the debate, which could otherwise end up one-sided.

But the division of the field into opposite camps was deeply counterproductive to others, and seen as hopeless in the face of quick fixes:

Today, there's no dialogue. Everyone wants to be right, and no one is right anyway [...] and no one talks to each other. It just won't work.

Another respondent also observed that at present, one is *light years away* from a constructive platform of discussion between these polarised interests, who keep slinging mud from the trenches. *It's been lowered to a kindergarten level, the debate. Right now I struggle to see the solution.*

At the same time, other respondents reached an opposite conclusion from the same observations around polarisation. They suggested centralising discussions and management be the way forward, and must be embraced imminently. Within this, they saw the participation of the polity as crucial to legitimating the agency and, by extension, wildlife management:

I have to say that I think that which unites us is so much stronger than that which divides us. Why don't we come up with some collaborative organ so we can talk together and find common value ground? Instead of just bickering back and forth we could reach consensus around doable compromises and help each other out.

Another respondent similarly called for extremists on both sides of the conflict *meeting in the middle* to harness what may be potentially unrecognised common ground, much needed in the present situation (Linnell, 2013). At present, people were more prone to post inflammatory opinions in a *black and white way* online than come together in a physical, institutional space.

Here, the new agency was seen to need to have a broadened perspective that drew from several constituencies, in contrast to some respondents' recommendation for a narrow hunting-focused agency. *It'll be of the utmost importance to cultivate a shared view. An agency that sees the entirety of hunting from the use of terrain vehicles to hunting weapons*, which he observed were presently scattered across incompetent agencies.

Another respondent admitted that getting people actively involved as participants of such a process was a messy affair, but an extremely important one. It was crucial, moreover, to have such processes of engagement before decisions rather than after them. He suggested *involving people* afterwards was by far the bigger hassle. He also noted engagement out to be over a sustained period of time. Time and commitment to public participation were essential

ingredients in making the effort work. *If you don't get the people on your side, it's not a journey.* Multiple respondents asserted this, as in the statement: *You've got to get the people on board.*

In summary, the new wildlife agency brought out scepticism among hunters toward inertia and the reproduction of defective conditions that already befell the existing agencies. No one was keen to provide “ideologues” with yet another platform for the politics and persecution of hunters. But there was certainly markedly more optimism toward the agency’s establishment than there was for the belief in the ability of existing agencies to recover and get a handle on the job. Provided it was constituted correctly, the new agency could scrap old problematic legacies and bring people together on a neutral common ground. It could hence chart a new emancipatory paradigm for public participation on wildlife management.

7 Hunting as Sovereign Jurisdiction

Hunters' lack of faith in the institutions for wildlife management has so far been presented. There were clear seeds of distrust toward collaboration as cosmetic, bogged down in administrative inertia and power inequalities. In the theme that follows, hunters' reflections on the very imposition of laws on their community in the first instance are presented under the following sub-themes: The Primacy of Local Rule, Embodied Local Knowledge, Already Informed Contributions, "My Ranch is My Castle", Responsibility through Ownership and Ethics Before Laws. Indeed, the literature suggests that modern hunters now sometimes view outside rules as "arbitrary and illegitimate invasions of the state into a traditional activity that is governed by its members" (Brymer, 1991, p. 181) and thus turn inward toward narratives of a sovereign jurisdiction, which could be ascertained here. The aim of this theme, therefore, is to elucidate the dimensions of hunters' defensive localism and their ostensive desire to exist 'apart' or exempt from majority society.

7.1 The Primacy of Local Rule

Hunters' embodied knowledge and autonomy over their own land emerged as strong factors that reproduced a sense of sovereignty from outside regulation, which was seen as both geographically and morally remote (see also Holmes, 2007). The results presented, then, can be said to be premised on common credos 'of our own rules guides us' or 'playing by one's own rules' within cultures of non-compliance in which the moral obligation to abide by the law is weakened (see for example Forsyth *et al.*, 1998; Sundström, 2013). Indeed, such credos have been shown to neutralise non-compliance with formal regulation to give primacy to either one's moral compass or to informal institutions, so if this can be ascertained here, it may be a significant finding in terms of clarifying hunters' desire to disengage and withdraw from the public.

What first emerged from interviews was that the closer the rule-making institution in question was situated to the praxis of hunting, the more justifiable it was seen in formulating regulation. By contrast, authorities in Stockholm and in Brussels were often delegitimised on account of their lack of grounding in moral-cultural domains. Three respondents explicated this correlation. When asked about trust in various institutions in stipulating rules pertaining to hunting, one said *[For the EU] it's very low. For the SEPA it's slightly higher. But that not high really. The CAB on the other hand is a little bit better. It's more proximate. You can hold a dialogue there. You can't do that on the EU level.* The other two argued:

The further away you get the less confidence you have in these institutions, especially the SEPA.

The more local, the better.

Normativity around local autonomy was present in a number of critiques and were often presented in direct contrast to so-called 'paper authorities'. These had no basis in reality and did not take responsibility for the decisions they implemented in rural regions insofar as they bore no costs for the plans they headed up around conservation.

Then there's these suits up in Stockholm deciding on wolf packs here and there. What the hell, get a wolf pack at Djurgården. I think there should be a wolf pack there so they can eat your little poodles.

[on wolves] We've opened our doors to that bloody pest. Nobody can stop it. They have the greatest power, those that like the wolf, most of them are based in Stockholm I think.

The local level was highlighted as the way forward by nearly all respondents interviewed.

I'd wish decision-making power would be delegated as far as possible: that is to say, hunters and landowners. It would have a pluralising effect really. The geographical conditions, climate and natural premises are so different the reality of rules differ.

I think these things have to be made more local. I think those that don't hunt or aren't landowners need to respect the fact that decisions be taken locally.

The latter respondent argued autonomy with hunters imposed higher demands on hunters and landowners, but that they were ultimately up to the task.

Second, outside agencies, by contrast, were sometimes deemed incompetent and not sufficiently versed in the local conditions, often to the detriment of their decisions and enforcement in the field. One respondent observed agencies frequently miss out on wolf sightings for example, despite all the inventory available for analysis, because they do not possess the necessary competence to ‘read’ the landscapes as well as the hunters themselves. *You’d think they’d be able to calculate how many [wolves] there are in each territory. What with all the DNA analysis and everything.* Reflecting on the license hunts, three respondents suggested the ease and speed at which hunters felled wolves indicated there had to be far more wolves than agencies had either reported or known about. Charges of wilfully hiding numbers were voiced by respondents in Dalarna, who connected it to suspected cover-ups on the part of authority over secretly reintroducing wolves. This represents a conspiracy theory believed by 56% of hunters according to BRÅ (Hagstedt & Korsell, 2012) and which is now an extensively reported narrative – and open secret – for large carnivores across the globe (see for example Theodorakea & von Essen, 2016; Ghosal *et al.*, 2015; Lühtrath & Schraml, 2015; Nie, 2002).

Respondents noted higher reports on sightings in certain areas near Orsa in Dalarna, also where bear was concerned. *They were involved*, one hunter said of Orsa Rovdjurspark (a large carnivore zoo/park), *because their car was always around*, while another suggested *Every other hunter has that story about seeing a big van from Orsa djurpark*. They contended the sudden reappearance of wolves in Värmland in the 1990s raised many questions. Including the failure of anyone, particularly the Sami, to notice two migrating wolves on their journey from Russia to settling in Värmland. Of this occurrence, a respondent noted there were no longer any question marks, but that secret reintroductions by managers was a settled matter. The reintroduction narrative mainly served to undercut the credibility of authorities, either by charging them with cover-ups, or accusing them of being oblivious to the sorts of activities undertaken by conservationists in their wider employ. The authority was incompetent in either case, because hunters always knew better than anyone what was going on, and the sorts of wildlife they had, in their area.

Third, extrapolating from other cases of wildlife conservation globally to impart wisdom locally was also seen as providing a shaky foundation for informing the rules that would apply in Sweden, much less regionally. Particular criticism was directed toward the tendency to generalise from Yellowstone National Park in North America, which respondents observed was a closed system (where large carnivore problems are mainly edge effects) not comparable to the open mosaic landscapes in which wolves are reintroduced in Sweden. Hermans (2015) observes the important point that most knowledge of

wolves does in fact come from studies conducted in North America, to the point where wolf ecology is a situated expertise that may be at odds with local knowledge of wolves. The fact that this sort of expertise was used as a model for determining things locally was taken as an offense by Swedish hunters. *They've got no forestry, no agriculture in Yellowstone. So you don't get the problems you have in Sweden [...] they point to Yellowstone and say how nice things are there with the wolves and it's not even the same planet environmentally speaking. What were they thinking?*

This did not, however, stop all respondents from sharing stories from abroad about the perils of wolves, to warn about local wolves doing similar things in Sweden. In fact, this has been historically undertaken by media and the public alike, extrapolating from horror attacks in Russia and southern Europe (Dirke, 2015). Such extrapolation was permitted.

At times, those institutions the state had tasked with enforcing hunting and wildlife regulation were deemed too remote to possess the required competence. Most often this connected to a lack of control over hunters in the first place, given tight-knit rural communities presented a challenge to the authority's implementation of new rules. If new rules were to be enacted, one argued, this also generated the need for control *and it's damned hard to ensure compliance. If you can't do that you'll get transgressions [...] you have to think hard before you create new rules that will be difficult to enforce, because lack of control will have such negative consequences.*

But respondents also felt weapons law enforcement was ill-suited to the urban-based police authority, whose *general competence when it comes to weapons is regrettably microscopic. It used to be better back in the day when they had at least done military service. So they knew the front from the back end of the gun.* The same respondent, who was based in the south of Sweden, later relayed that the police sometimes had to call on him, an experienced weapons collector, for help identifying guns in suspected hunting crimes.

Within this, the weapons registry was found to be a second catastrophic miss on the part of the police and indicated the unsuitability of outside agencies interfering with hunting praxis. *It's so poorly put together it doesn't look like anything else you've ever seen [...] basically if the police come upon a rifle in the middle of the street they can't access the registry and identify it. It's that bad.* Reflecting on simpler times gone by, he said: *There was a time when these things used to be locally mandated. It was entirely local where the license really was stämpelskatt. You went to the fjärdingsmannen I the village.* Another said: *Praxis is the local police agency can't tell the mouth of the gun from its butt even if they're given help.*

The fact that the police despite this held an increasing and quasi-military like influence on weapons regulations was contended to send *bad vibes Eastern German Style* to one respondent. When speaking about handling cases of suspected illegal hunting, respondents also indicated *CIA style crime scenes* were disproportionately drawn up. This reflects the concurrent development across the Nordic countries, where higher prioritisation on catching wildlife law offenders allow for higher penalties and even tele-monitoring of suspects during investigations (Hiedanpää *et al.*, 2016). At the same time, respondents also expressed some dissatisfaction with the police's help where it was actually needed, as if the priorities for enforcement were low when and where it actually mattered to hunters. This reflects an abiding predicament for some rural communities, where Okihiro (1997) for example asserts that in outport communities, police contact is invariably citizen-initiated, where law enforcement ordinarily plays a reactive rather than proactive role see also (Mariki *et al.*, 2015, p. 27) for illegal hunters' discontent over police priorities: "When we were reporting crop raiding, injury and property destruction, no government official showed up. But when the elephants were killed, various government bodies came very fast." In this context, recalling how his hunting team reported a suspected illegal hunter who was trespassing for moose on another's land, a respondent noted how the police down in Skellefteå – some 150-200 kilometers from the area – gave a dismissive answer of *We'll come when we're able. That could be one or two days. What the hell, the guy could get away. They didn't get any sort of response [gehör] to their reporting [...] it sure is easier to be criminal up there.*

Administration and bureaucracy were seen to exacerbate things, especially following the increasing the number of agencies involved in any one regulatory issue. One respondent reported finding it *shocking* that so many resources were spent on ensuring compliance with formal regulation when the law was a poor fit to begin with. In addition to this, as noted above, some parts of the country were seen by respondents as inherently difficult to police and needed to be coordinated on the basis of legitimate decisions grounded in praxis and morality rather than outside law enforcement. An Örebro hunter said *There are no cops in these woods to check you.* Another respondent suggested the way forward would be to recognise that ethics come from the bottom up, not the top down. *If you instate a rule there's no reasonable expectation to enforce [...] sure, it can have a normative [instructive] value to say this is what you should or shouldn't do, but there's another set of system with those people out there in the woods who do these things and agree on what works. That will always be stronger than any regulation and it's extremely personal.*

Within this, echoing other hunters interviewed on scaling back formal institutions from the domain of hunting, the same respondent argued the dream would be for *each and every hunter to look at the regulation and know what's up and not needing either the Swedish Hunting Association or the National Hunters association to be able to hunt*. This may have been premised on what another respondent saw as the purpose of the hunting associations: *to keep track of these things for you* and to make sense of rules and translate them to hunters. Local self-organised arrangement of this kind, the literature observes, are often seen by their members “as crucial for filtering the influences of national and international policy on local action” (Tafon & Saunders, 2015, p. 327). Within this liberal conception, any organisation, helpful or not, was encroaching on hunters’ domain, a domain best coordinated by themselves. Even if this meant added pressure to sort out one’s infractions.

7.2 Freedom with Responsibility

The above quotes relayed some of the reasons why hunters experienced remote authorities were ill-equipped to deal with local level issues like hunting and wildlife, which fundamentally relied on expertise from embodied knowledge of the area and its traditions. The only viable way to take into consideration regional diversity was to listen to local hunters: *If you want to manage these in an optimal way, you have to scale down. You can't reasonably have a whole authority in charge of it without having managers of special competence. And having a lot of them is not something you can afford*. This led the respondent to advocate for alternative informal institutions to shoulder some of the burden. *So what you have to do instead*, he explained, *is channel the forces already available to you, those who are already interested or have interests [...] that's got to be the future. Even with things like the wolf I imagine*.

This interested force was to many the hunting community, who already possessed embodied knowledge and customary ways of enforcing rules that were suited to local conditions and traditions. Another contended: *There would be a great deal of responsibility for ethics, morals and respect. We need to preserve the wildlife. That sentiment is strong, and so is the responsibility associated with it*. As enumerated in previous sections, this informal institution was infringed upon. Respondents provided some explicit examples of outside authority’s encroachment on their domain, such as the SEPA assuming jurisdiction over issuing the hunting card, which used to be the purview of the hunting associations. *That very personal thing is not any of their business*.

A striking finding was that respondents spoke of hunting as an institution that constituted a partly sovereign jurisdiction. Hence, it ought to be spared the

burden of detail regulation and instead granted autonomy to pursue its own affairs and police within its own ranks according to its own moral compass. The literature documents an intuitive association of hunting with getting away from the detailed regulation of modernity (Eliason, 2008a); escaping one's desk (Eliason, 2014) and with the independence of the outdoors (seminally observed by Ortega y Gasset, 1972). Inasmuch as respondents were ever positive toward formal regulation in Sweden, they were so on account of its heretofore granting of relative freedom to hunters to pursue this escape:

It's a big responsibility. It's not detailed regulated so it's actually possible to hunt in a reasonable way.

It's really good because you have such freedom at your disposal.

When it comes to the hunting regulation I think so far it's been very... I mean it hasn't been very detail-oriented but a bit 'freedom with responsibility'. Though the most recent investigation/referral of the hunting decree suggests they're trying to tighten things, and get it more detailed.

I mean, the general paragraph is pretty good under the circumstances since it says we hunters are competent enough and can assume the responsibility to live up to these standards.

Another was more critical toward the '–with responsibility' caveat to hunting legislation, observing:

Freedom with responsibility, OK fine but then that's not a freedom. You're still controlled.

This credo of 'freedom under responsibility' nevertheless appeared imperative for most hunters to retain, reflecting its key role in Swedish hunting (von Essen & Allen, 2016c). The credo can be translated and interpreted differently. It may either mean freedom *with* responsibility, or freedom *under* responsibility, where the latter potentially entails working with more parameters for one's conduct. Analogously in the US, hunting is often formulated as a freedom *from* and freedom *to* (see Bogliogli, 2009); it is the pinnacle of freedom from a society with rules, and the freedom to act autonomously within nature. As suggested in chapter 5, retaining this liberal predicament was contingent on cleaning one's act up and showing the outside society that one could handle oneself ethically with questions of life and death (i.e. responsibility).

To counteract this need for detail regulation you have to ensure that those who are given freedom with responsibility behave properly. Or else it won't work.

Much responsibility was therefore placed on hunters and the hunting community in different dimensions. It was not a responsibility they took lightly at all. *There should be a societal debate if we do poorly. But still the responsibility should remain there*, one hunter considered, indicating opening up to outside scrutiny would be justifiable only insofar as hunters themselves proved incapable of managing their collective in the first instance.

The new hunting decree investigation underway, mentioned by an above respondent, was viewed with scepticism by respondents over constituting the kind of micro-management which would ultimately *cause more problems than it solves* by not letting hunters sort out right from wrong themselves. Here, as often features in hunters' rhetoric, the detailed understanding of the particular ecological characteristics of wildlife would allow for a superior design of rules specific to that resource (Thomsen & Davies, 2007). At present, European hunters are observed to object to inadequate appreciation of their embodied knowledge by other groups (as for example in Germany, in Lüchtrath & Schraml, 2015), and this contributes to misunderstandings and state decisions that translate poorly on the ground.

That embodied knowledge tied to more intimate nature-social relations must foreground both prohibitions and ethical credos is frequently averred by hunting and farming communities who experience their domains being infringed upon (Enticott, 2011). It appeals to a claim of entitlement stemming from this embodied perspective. To this end, the claim is not usually effective in making the case for a sovereign jurisdiction unless it can be proved outside regulations are especially illegitimate, and, the community has a successful track record of managing its own affairs in a superior way to that of remote authorities. As a hunter noted, however, these were still their issues to resolve, even if there were *ne'r-do-wells* that made it harder to keep up a responsible conduct for the hunting community as a whole.

7.3 On Already Informed Contributions

Hunters saw themselves as already pulling their weight, contributing to societal goals through stewardship. In Butz' words, they positioned themselves as "historically sanctioned stewards of a meaningful landscape" (Butz, 2002, p. 29) to rationalise continued autonomy of their domain. One respondent likewise explained that *It's actually hunters and landowners who already pull together and help society manage these protected species*. As another said, *When it comes down to it, we take care of this stuff ourselves anyway*. He referred to taking inventory of wildlife populations, which is subsequently reported to the CAB, who determines hunting quotas based on verified

sightings. Hunters felt their hard work ought to be respected in other contexts as well, including rule making.

Reflecting on the system of self-reported moose sightings, for example, a respondent suggested local hunters constitute the primary resource today for identifying how much moose we have. While two respondents considered this collaboration to be working well on the whole, we saw in the foregoing section that the way in which hunters' inventory 'get lost' or distorted in statistics that come out from the other side, often resulting in skewed quotas in their perceptions, was far from appreciated. One respondent observed that hunters' self-reported moose sightings were insufficiently paid attention to today, despite constituting superior estimates to state-based statistics.

I think the hunter should surely [...] the one who goes out in the woods a lot... he observes the game. He is surely more knowledgeable on these matters than those that sit indoors.

Indeed, quotas stemming from official, government-filtered estimates of populations were subject to informal deliberation before they were actualised by hunting teams for that season. As intimated in a previous section regarding conspiracy theories on secret releases (see also 'Zoo Hypothesis'), a majority of hunters interviewed were more or less adamant authorities covered up present numbers, which was particularly incendiary for large carnivores:

Those that like the wolf always underreport the figure. Always. Even though there are so many more.

Now they've determined at research institutions the numbers are higher than reported. We already knew that.

So there have been up to 400 wolves in the past few years. The population is said to grow 15-20 percent each year. And now there's 450 of them. I don't know how that adds up.

The latter respondent was convinced the actual figure of wolves was now in the 800-1000 range, which he connected to a problematic precedent set by the authorities having underestimated bear numbers a few years back. There was also a pervasive issue among hunters that their reports of large carnivores were distorted when they entered the institutional apparatus. Indeed, they suggested the CAB and the SEPA outright ignored unofficial reports by hunters.

The problem is they hide our numbers pretty well. I have concrete evidence for this from many years ago, fifteen years ago [...] I met a guy who worked in Project Lynx and was tagging lynx in the winter months. Back then the SEPA said we had around 750-900 lynx in Sweden. He told me that was complete

bullshit. There were a whole lot more [...] he worked for the SEPA, but he told me many stories about this.

In Dalarna, two respondents saw this as a predicament owed to two reasons in particular. First, there were few nature inspectors stretched thin across a large county, and most were busy working the Sami areas, which were 'prioritised'. Hence, there was not enough time or personnel to validate all reports, leaving many as sightings unsubstantiated and not counted in the final tally. A respondent recalled a recent hunters' initiative to assist the overworked nature inspectors by putting some local hunters through the same tracking and identification course as the CAB civil servants undertook for their training. In this way, they could help shoulder some of the burden. However, this initiative had been shot down and the trained hunters were unqualified because they were not in the formal employ of the CAB. It can be noted that volunteer are regularly enlisted in other countries to alleviate administrative burden around wolf sightings, as in for example Spain and Finland, but not in Sweden.

Second, the methods by which reports were subject to CAB quality control and numbers reached were questioned. Hunters noted that without snow in which to track carnivores, there were effectively no carnivores in official statistics. It was also critiqued that when counting lynx, one only tallied up so-called 'family units', comprised of at least two adults. That meant that solitary lynx effectively were not counted. *Everyone knows there are a lot more of them.*

Hunters' scarce confidence in the reliability of official population survey methods, which directly become the basis for determining quotas for harvest, is now commonly reported in diverse hunting contexts (Thomsen & Davies, 2007). An independent monitoring of wolf populations by hunters is seen as a necessary validity check (as by Finnish hunters in Bisi & Kurki, 2008b), as it was in this study. The official statistics, one contended, were *a total bunch of lies* that discouraged hunters from reporting sightings in the first instance. In some parts of Sweden, like Västerbotten, hunting teams now boycott reporting of moose harvests to the CAB, and have been brought to the police for it. It may be difficult to resolve the circularity to the predicament around suspicious numbers. The low legitimacy of managing agencies and the distrust of civil servants is likely to have undermined the credibility of the official number reported. But incredulous official facts may have contributed to a mistrust of agencies in the first place (Skogen & Thrane, 2007).

Ultimately, being reliant on snow tracking or other technologically based methods of inventory taking was positioned as inferior to *a hunting dog's nose* and sustained visits in the area, which could only be undertaken by hunters themselves. An older hunter questioned the judgment of civil servants in taking

accurate inventory, conceding that despite all the time he spent in the woods as a retired man, he could not possibly judge with any great accuracy how many of a certain species there were. *Animals are so transient. They move around. It must be difficult. So how can you know? I don't think you can trust the estimates from those sitting there.* Significantly, it also emerged that hunters signaled their lack of faith in state statistics by colluding to avoid reporting their sightings in the first place. This is in fact a common type of dissent among the subaltern (e.g. Peluso, 1992). Indeed, it was thought that if their numbers were distorted or disregarded once in the institutional apparatus, there was little point to doing the job. One respondent in lynx-dense Uppland noted no longer collaborating with the CAB over lynx sightings, following the systematic dismissal of hunters' data.

Even where these official statistics concerned ungulate populations, there were suspicions about deceptions following the influence of large landowners and about state incompetence. Because such statistics determined allocation quotas, hunters emphasised the need to ground such decisions at a local level before one felt comfortable to go shooting: *We can take care of this stuff ourselves. As landowners we definitely take care to discuss [quotas and allocations] to make sure they reflect reasonable and correct ways of hunting.* On this view, allocations from authorities ostensibly left *little room for discussion* which was problematic given their frequent inaccuracy.

Respondents additionally pointed to specific issues where authorities displayed their incompetence on things that were well known to hunters already, such as politicians coming in to facilitate the hunting of wild boars by proposing to extend time allowances. *I mean that's... what were they thinking? They had no clue. You can already hunt wild boar the year around [...] in that case you get the impression these authorities are just out of touch.*

Hunters' contributions also extended to knowledge of ecology and wildlife management. They often positioned such counter-expertise against that of authorities, presenting it in similar discourses around biology, ecological authenticity and buzzwords like biodiversity conservation. It was just that they saw their own conceptions of biodiversity as neglected in the public, silenced by those of ideologues with state scientists on their side. It may reflect a sore spot in conservation generally and in Nordic wolf conservation in particular, over the failure of elites to appreciate the value of local lay knowledge in relation to wildlife management (Skogen & Thrane, 2007).

To counter the low status of lay knowledge, respondents sometimes attempted to draw in respected experts – like Dr. Olof Liberg – and frame these as being on the side of hunters with an alternative formulation of the same science. Within this, a few respondents challenged the received wisdom around

biodiversity as that of constituting a primeval forest full of carnivores, but rather advocated biodiversity was a good that thrived best in semi-open parklands with grazing animals. This reflects a contentious divide in the science in the now popular rewilding paradigm that provides the basis for many large carnivore reintroduction schemes, for example, and may have appeared as a point of entry to some to challenge the hegemony of entrenched normativities (Hodder *et al.*, 2009).

7.4 "My Ranch is my Castle"

Throughout interviews respondents channelled a liberal discourse on property rights and autonomy that one often encounters with US hunters and citizens generally. Namely that the individual has the right to decide what to do on his or her property. For Ojalampi and Blomley's (2015, p. 52) Finnish hunters, this discourse expressly constituted "propertied space as defensive shield, protecting a valued interior from an external set of threats."

Here, one respondent observed that such a frontier mentality (Mulder, 2014), associated with independence and self-sufficiency (Jacoby, 2001), which he jokingly characterised as a Western-style *My ranch is my castle*, would not work well in Sweden. Indeed, it runs counter to the immemorial Swedish right of freedom to roam, where land can be publically used by anyone for recreation, berry-picking and camping. But many others implicitly supported the sanctity of property rights through various reflections, including:

So I can't decide over my own territory anymore?

One is all too quick to take the right away from the landowner.

I generally feel that it's the landowner's domain where the animals are. It's almost like the mushroom is also regulated [by authorities] today. I mean I think the ownership has been displaced to the state and away from the praxis of landowners, where it should be.

If you look at the preamble paragraph it says the hunter and the landowner are responsible for the hunt and the management of the wildlife so it will be cared for in a sustainable way.

The landowner has a right to harvest from his or her property.

This was connected to a so-termed *old-fashioned ideal* around self-management by one elder respondent. These reflections were interesting, not least because they may have exposed double standards or inconsistencies in hunters' own reasoning. To recall, a majority were sceptical toward the

influence of large landowners on moose management, pushing for a public checks on their power, but here seemed to advocate allocating *more* power to landowners. This was generally divisive among respondents; some realised that granting full autonomy to the landowner could be counterproductive. It necessitated an oversight at least on the level of the local community.

Others, however, were more adamant private ownership of land was an inviolable right that had been violated by wolf policy. This ambivalence between landowner's rights and public rights runs deep in Swedish law and mentality, as one respondent suggested in the following quote:

There is a law that says all hunting is to take place collectively within a viltvårdsområde [wildlife management area] on the one hand. On the other hand there's a law that permits the landowner to always hunt autonomously on his or her own land. So they run counter to each other.

In relation to defending one's property, a respondent observed that under the current regime, such an act could have *grave consequences*. *Where I'm from people have gone to prison for it. That's tragic. It shouldn't be like that. It's odd.* It was additionally observed that where small game was concerned, the guiding principle was frequently the landowner's personal discretion, which they saw as providing a precedent for applying this credo to more contexts.

Surprisingly, this local discretion was especially connected to weapons regulation and handling. The incompetence of the police through its constitution of *civilians who need to follow some script* who did not know much about hunting weapons, strongly necessitated hunters to step in and assume responsibility over something they knew in greater detail. Delegating weapons enforcement and regulation to hunters was in fact suggested or hinted at by multiple respondents through their critique of the existing order.

This respondent was also a fierce liberalist, who argued individual liberties were criminalised. *Where does the boundary go? Where does it end?* He asked critically of state interference. Another respondent was critical toward the prohibition of carrying ammunition in one's pocket at a supposedly 'public' place, the forest, *Is my hunting land really to be seen as a public place?*

When asked if they considered the power of decision making should be consolidated with the landowner, one respondent explained *At least he should be involved in the process of deciding things* but likewise expressed ambivalence by cautioning that the landowner must not *override these others*. *If so the acceptance [for the decision] goes down and that might facilitate some stupid stuff happening.* To others, it was also imperative for the landowner to be sensitive to the concerns of others implicated under the public

freedom to roam right⁸, while still having ultimate authority over his property. *I have to be very careful in what I do out there because other people are allowed to roam freely in the woods.*

On this view, hunters discussed safety concerns and having to show the public respect whenever they came in contact. Once again, they affirmed the responsibility associated with hunting: *You take on a great responsibility whenever you head out into the woods and you're armed and you harvest from it.* This was a particular concern in suburban areas, which an elder respondent recalled having had to adapt to from his rural upbringing in middle Sweden. *When we hunt at [censored] we have to hunt early. If we show up 10am it's full of people. So you move to another area in that case. You kind of adjust.*

The ambivalence toward giving hunters and landowners too much power was explicated as a balancing act. *There is democratic merit*, another respondent contended in what was some contrast to the majority opinion of respondents, *with not letting the hunting collective just operate from its own sense of ethic where things concern stuff beyond that which affect the hunting collective.* He provided the example of the wolf, which he noted he disagreed with regarding its protection but that ultimately: *the fauna is shared somehow. If the hunting community has its own, or if hunters disregard [formal rules], that's not fair to those who are also co-owners of the fauna.* Another respondent who was adamant about sovereignty for hunting also conceded that there was a difference when it came to protected wildlife. The latter necessitated some form of supranational oversight beyond the landowner.

7.5 Responsibility through Private Ownership

Where the fragmented private property mind-set prevailed, sovereignty and property rights were seen as directly conducive to cultivating stewardship for the animals that one saw as belonging to hunters. This stewardship was a powerful contributor to a positive identity on the part of hunters who could take on the role of ecosystem managers. Here, stewardship is understood as a moral duty to take care of the environment (Dixon *et al.*, 1995). It is sometimes traced to a proto-conservation, where hunters wanted to conserve wildlife stocks in the interests of hunting them for sport (Duffy, 2010)

Stewarding one's domain can be a profound source of welfare and duties toward others, if proceeding in a paternalistic vein of taking care of the more vulnerable or, indeed, as in proto-conservationism, outright "farming one's stock" (Thomsen & Davies, 2007, p. 129). Holsman (2000) suggests such an

⁸ Freedom to roam is an immemorial right of access and use on the part of the public to the countryside and its resources.

ethical obligation to conserve ultimately extends beyond self-interest, but it is difficult to disregard a strong political discourse of private property and paternalism over the landowner's many and diverse obligations toward the countryside (Woods, 1998). It is particularly strong in Scandinavia (Kaltenborn *et al.*, 2013), where wildlife management translates into the euphemistically sounding wildlife *care* (*viltvård*). Respondents expressed stewardship thusly:

In my place, I want my animals to thrive and it's up to me to make that happen. I think that's unique. You look at other countries they've got lottery systems and suchlike for hunting. There is no wildlife care [viltvård]. Just ask them to translate viltvård into English or German. No one's got it quite like we do.

Others likewise suggested the ethic of care and sustainability thinking – however anthropocentric – such property relations imparted:

Your deer, you trim hedges for them to get through. I mean, the wildlife care bit is there but you also do so together with your mates as well. Then when you get what you harvest. When you see that your pheasants are becoming numerous. That your deer are thriving, that you have wild boar. That's a reward in itself. It gives you great satisfaction.

There are critical objections to the wildlife care conceit, however. Kretz (2010) argues that if hunters adopt a code of ethics that manifests care for wildlife, it is also incumbent upon them to provide a separate argument as to why the care only goes so far, stopping short of a limitation of killing the animal. Clearly, this was not provided. But 'care' to hunters seemed to be less about the welfare of individual animals (thereby rejecting the care-ethic tradition in Clement, 2003, and more about the integrity of the biotic community, in endorsing an ecocentric point of view as in Callicott, 1987). Perhaps their stewardship made some individual animals worse off, but it promoted the well-being of their *populations* and their place in ecosystems:

Many of those individual acts of stewardship undertaken by hunters, like throwing out an extra bucket of seed for pheasants for example, means we still have pheasants. You save one, two maybe three meters so the same birds can have somewhere to burrow in a ditch. I think a lot of people struggle to see that it's actually like that.

To have a strict property right and a sense of responsibility for us. Or else you'll get suboptimal results [...] you'll get inefficiency and that's potentially quite harmful.

Another contended that responsibility through property-based ownership meant that *wildlife care is first, and harvesting from your land is second*. But even harvesting, when done sustainably, was held as positive if it was for your own use. The same second you stop harvesting an animal, people would cease to care for it and it would become marginalised without a clear economic use value. This was predicated on the refrain that nature could only be conserved through being used (Linnell, 2013), and as such hunters have argued prohibitions is bad for the welfare of animals (the popular mantra of English fox-hunters in Marvin, 2007). Citing the European woodcock as an example, the EU prohibition of its hunting had meant *It's lost its importance. Nobody cares anymore [...] there'll be no wildlife management efforts around them*.

The most sustainable and managing principle is that which is realised by those who have direct responsibility.

The power should be placed with those who have responsibility. In Sweden that's per law the landowner. In case the wildlife migrates you need to take responsibility and collaborate. I think that's the key. It lies equally with hunters and landowners.

To bereave landowners of the kind of decision-making authority that could impart a sense of responsibility was connected by one respondent to the tragedy of the commons, where everything was shared and where consequently everyone had a say to the detriment of the common resource. *I don't want to get there. That you as someone who's unaffected can have that much of a say, or use a resource without taking responsibility for it. [...] like fishing the big oceans, it'll either end up as a prohibition or overexploitation*.

A second respondent suggested responsibility in relation to the landowner was insufficiently clear today and needed to be developed in lines of argumentation presented above to counter self-maximisation. Of hunting down south, where he resided, he contended: *We need wildlife populations and to care for them locally. I don't know why the other parties need to interfere with it*. In sum, this theme elucidates an ambivalence on the part of hunters between wildlife belonging to all and an as yet strong private property ownership discourse that bordered on possessiveness and defensiveness over e.g. “our moose” and “my land” (strikingly similar to findings by Bogliogli, 2009, and Woods, 1998). This was manifested not only in hunters' uneasy stances on wildlife and game, but also in how they viewed knowledge, stewardship and the enactment of rules. Although most were content with having the hunting community or the landowner contribute with these things, there was a simultaneous recognition that certain things needed to come from above.

8 The Decoupling of Law and Ethics

In the following chapter and theme, hunters' reflections tell of a disassociation between laws and ethics where wildlife is concerned. The dichotomy between laws and norms, moreover, is a central vector behind illegal hunting, so must be given extra weight here (Kahler & Gore, 2012). The reasoning that pervades this theme is that hunters recognise that the lawful course of action may not always be the most ethically defensible one according to their own moral code. This contributes to a need on the part of the hunting collective to supplement formal regulation with their own codes of conduct. In fact, in one telling reflection, one hunter suggested there was *probably no group in society who's as good as making up rules for themselves as hunters*, with the implication that there existed a lot of informal codes and ethics outside of the regulatory framework. The purpose of this theme is thereby to identify specific junctures at which law is seen to decouple from a praxis-based system of ethics and norms.

This is done in the following sub-themes: 8.1. Ethics Before Laws, 8.2. Prohibitions on Wildlife Cameras, 8.3. Laws without Ethics, and Ethics without Laws, 8.4. On Reasonable Law and 8.4. On Unreasonable Law. The latter sub-theme is divided into laws which are held to be illegitimate by their prepositions alone, such as nonsensical parts of the weapons legislation, and laws which are held to be illegitimate by virtue of an illegitimate process behind their enactment. Although these two sometime conflate, particularly in hunters' minds, the division between substance and process is important to uphold to determine what exactly hunters object to, and consequently what exactly can be corrected in future reform.

8.1 Ethics Before Laws

A majority of respondents, as we will see in chapter 11, presented themselves as law-abiding citizens who generally did not struggle with complying with hunting regulation, even when they saw it as arbitrary or illegitimate. *I do think most of us are fundamentally law-abiding.* Indeed, this may have fed into a Scandinavian ideal around law-abidingness as demonstrated by Gezelius' (2002) work in Norway.

A young respondent in the south of Sweden suggested a salient point that however captured many of the subsequent respondents' reflections around the relationship between ethics and laws, namely that: *It's not the law that guides people's conduct [...] Many probably think they follow the law, I don't think that's true [...] the formal regulation is definitely secondary when it comes to people's decisions.* In another interview this was clarified in the following:

Respondent (Västmanland): "Do people follow their moral or the rule or law?"

Interviewer: "I don't know, what do you think hunters do?"

Respondent: "They follow their morals, no doubt about it."

Specifically then, the extreme end of the spectrum was laws only sometimes coincided with ethics. *I don't think anyone cares about the legal stuff [...] the point is there are coincidences where the law happens to reconcile with the ethics, like not shooting after dark because tracking efforts are that much more difficult.* The relative status of laws pertaining to times, moreover, will be returned to in section 8.4. as reasonable laws.

Here, respondents' reflections foretold the decoupling of laws and ethics in certain situations, and a consequent dilemma between having to choose between the ethical course of action and the legally proscribed one. The law – even bad laws – possess moral weight to compel compliance (Hettinger, 2007), but hunters indicated that in some circumstances, such laws could be overridden by stronger moral considerations. Perhaps the social or moral shame of an action outweighed the risk of any criminal sanctions.

Such dilemmas were identified especially in the juncture of mistaxing wildlife quotas and permits for the use of wildlife cameras, which will be elaborated below. When pressed upon what they would do in situations where there was a disjuncture between ethics and law, and how they perceived codified law that was not immediately reconcilable with the non-codifiable morality, around half of the respondents admitted they would choose to follow their own moral compass. It was more important, therefore, to be ethical than it was to be lawful, and it was the hunter's responsibility to discern the two.

I think the ethical goes before the rules, yes. Of course, I don't break the rules myself but that's more a matter of self-preservation.

I follow my ethic wherever I go [...] I've always followed my thing. And I've spoken my mind.

You only abide by the law if you have faith in it and if it happens to coincide with your ethical code.

I think there are a lot of people who don't follow the law as such but follow the law when they see that it coheres with their personal ethic.

There's always room for personal judgment and discretion. It should of course take place within the limits of the law [...] but I can think of situations where it doesn't. Where you'd act differently [to regulation].

As such, there were instances where the regulatory framework seemingly punished acts or omissions which were not in themselves condemned by hunters' morals, but which for various reasons the state believed ought to be prohibited in the present context. As we will see, some were transitory creations of the penal law with which there was therefore little moral obligation to comply (if only a general civic duty):

You will of course find yourself in situations where you think I probably know better [than the regulation] here [...] it doesn't always match. In that case I do like most people provided no one's watching me behind my back, you do what you consider most ethical. I guess sometimes it can go a bit overboard.

I do think there's some hunting that's pretty ethical but which according to current legislation is punishable.

To hunters, 'ethical' comprised several dimensions, including honouring an ethic of fair chase toward game and toward fellow hunters, practicing safety first, and not overly taxing wildlife populations in sensitive times of the year. Ethical conduct was often discussed in terms of the Swedish word '*jägarmässigt*' (= hunterslike/sportsmanlike), which extends to how and what one hunted, when one hunted, and how one conducted oneself in the forest, toward each other, and spoke on the radio. One respondent suggested *jägarmässigt* contained an implicit agreement to act on *nature's terms*. But *jägarmässighet* as praxis was challenging to pin down. Scholars observe such codes are far from consistent, and often exist in plurality with each other at any one time (Simpson & Cain, 2000; Curnutt, 1996). As one hunter contended:

The big thing with me is to ensure jägarmässig conduct. We use that term for new hunters who perhaps are scared to ask... and the concept can create problems. But to me it's very simple. [...] if someone asks how do we shoot, the hunting leader replies 'jägarmässigt'.

Within this, one was expected to largely just know the ropes: intuitively knowing right from wrong: *Certain things you do and certain things you don't*. Respondents however suggested there had been increased clarity to and weight placed on one's ethic as guidance in recent years: *There's more of a shared view now than it used to be. There's a convergence*. Another said:

The ethical code has infused the hunting community to a greater degree recently.

Not only were ethics more discussed in the hunting community, but hunters saw themselves as being *more* ethical than past generations of hunters that had preceded them. Jägarmässighet was further traced to nature's terms or '*biological knowledge*' by several other respondents. One responded defined it as *extending the same respect to wildlife as you do to fellow humans*. Others noted it meant insight as to how the ecosystem worked: *The more of us who hunt who are interested and knowledgeable in biology, the less acceptance there will be for moral transgressions. There's a strong tradition among hunters in Sweden to have good ecological knowledge*. This, then, provided an important source of anchoring for jägarmässighet, which may be taken to comprise hunting that is at once socially tolerant, ethical and ecologically informed (Simpson & Cain, 2000).

Some respondents critiqued state regulation for getting away from standards of jägarmässighet. There was nothing in the formal regulation against moderating one's use of technical gadgets that overwhelmed the prey's capacities, for example, or on making consumptive use of the animal (Cahoone, 2009). There were merely moral wrongs. Respondents suggested the jägarmässig code was generally strong in the hunting community, and that it could be *more or less detached from the formal regulation*. This was especially so when formal regulation lost footing in jägarmässighet and assumed a character of detail regulation, as was reportedly happening lately.

If jägarmässighet provides a sufficiently strong moral principle, moreover, in conjunction with morally illegitimate laws, then it may follow hunters choose to ignore the regulation and adhere wholly to the informal code (as suggested by Brisbin, 2010). This has more relevance, liveability, and continuity for hunters within their community and in the woods. As indicated here, however, disdain for regulation could also cause some hunters to grudgingly withdraw from the activity altogether. One older hunter asserted:

Rules are never fun. But now they've just gone crazy [...] there are constantly new rules coming in. Which is why you hunt less and less. It's not fun anymore. It's just rules.

It has been argued that for hunters' ethics to be successful, they need to resonate with the dominant value orientation of the public (Kaltenborn *et al.*, 2013). But it is striking to note respondents viewed it in opposite terms: the onus was on formal regulation to adapt to hunters, because hunters' ethics were rooted in jägarmässighet and were not the result of the current whims of a global bio-conservation agenda. *Should laws reflect moral standards, or should laws prescribe moral standards?* a respondent mused, settling on the primacy of morals needing to undergird law and not the other way around.

8.2 Prohibitions on Wildlife Cameras

Nowhere was 'just rules' without moral basis more apparent than for wildlife surveillance cameras. Erecting motion sensitive cameras for wildlife on your lands, such as near a supplementary feeding station for wildlife, is illegal without permit from one's County Administrative Board. This is based on laws enacted to protect the privacy of citizens from video surveillance, and so are external regulations rather than rules that form part of the internal logic of hunting. Perhaps for this reason, the vast majority interviewed thought very little of the prohibition.

In my opinion you've really missed updating the regulation when it comes to camera surveillance.

That's a real clusterfuck.

So apparently you need some sort of permit for those sons-of-bitches.

There is some bloody fee for [applying for a camera permit] and it's a crazy amount. I think it's like 3000 SEK or something like that. That's as much as a camera costs. No one applies for it, so it's a rule that has to be changed somehow. It's not reasonable, I think it's connected to human surveillance law.

It's a bit of a disproportionate application of [the privacy] principle.

Dissociating the camera regulation from hunting was a common approach to show it was a regulation that effectively encroached on a separate domain. *I think it's about as relevant [to hunting] as when you speed on your way to the forest.* That the prohibition is not grounded in hunting norms is reflected in national statistics where hundreds of thousands of wildlife cameras have been purchased, but applications for licenses and actual permits granted significantly

fall short of this (Folkbladet, 2011). As one hunter candidly conceded, *We ignore that rule completely. Honestly, first someone has to find [the camera]*. Another respondent observed that among those who genuinely applied for the permit, few were granted it *as far as I know*. Another agreed, stating *there is not only single granted permit for a baiting camera in Sweden. But there's several thousands sold. Go figure*. They critiqued the application process for being expensive and stacked against them.

Of those hunters critical toward the camera prohibition, approximately two thirds suggested most people ignored the legal proscription and were themselves critical toward what they saw as a nonsensical *stupid*, privacy law interfering in hunting praxis. *I tell you if I had a wildlife camera I'd give absolute shit in [the violation]. It's not a crime. It's not a crime against the hunting decree...* Because it was private land, they could not see a moral harm if a person was caught on camera – after all, he was transgressing on their land.

Where is the harm? I mean, how many people move around there?

The reasoning proceeded on a logic not dissimilar to ‘if a tree falls in the woods...’, in the sense that if hunters use wildlife cameras and do not photograph any human trespassers, is it really a crime? Respondents argued they would never report fellow hunters for having an unlicensed camera. *Our cameras only shoot the baiting device. That's basically 20x20 m where you might see a wild boar once a week. It's not in anyone's bedroom. It's not by a road where anyone walks. You can't get sensitive information about people unless they would physically come and steal the maize on the baiting device*. Another lamented that *In Swedish law, humans always come first*, to the detriment of what was in fact the primary purpose of the camera: wildlife management. He may not have fully appreciated the irony of this statement in light of hunters' general grievance with wolf conservation: that regulation now puts the interests of wildlife ahead of those of human and civil rights.

Indeed, part of the unpopularity of the prohibition emanated in the recognition that as a technical aid, it could potentially make one a more responsible, and thus ethical hunter in regard to wildlife management. Hence, it was regarded as a curiosity that regulation discouraged these. Cameras, along with spotlights for nocturnal game, were facilitating techniques argued to enable better inventory of wildlife and thus result in more informed target selection based on e.g. avoiding breeding or nursing individuals, like a sow with eight suckling piglets in trail. Spotlighting rifles by baiting stations at twilight and night hunts could also facilitate instant kills by reducing the risk of maiming the game, even if this potentially violated fair chase as cultural praxis.

You ensure a safer hunt/kill if you have bait and a camera and you see now there's a bear here, it's a good technological aid. You see no, that's the one with cubs, leave her be. Stuff like that. You bend the rules and ethics.

I don't think hunters view [technological aids] as anything more than a means by which you shoot the correct animal [...] there are definitely cases where you can act ethically rather than lawfully. Wildlife cameras are a clear example of that.

Wildlife surveillance cameras additionally contained an essential device for enacting the autonomy of hunters. It provided a direct link to survey wildlife populations that bypassed the often untrustworthy information provided by management authorities. As such, documentation from cameras could challenge the legitimacy of the authorities by showing alternative versions of events and sightings, and thereby shedding illusions around cover-ups and building counter expertise to challenge the hegemony (Nilsen, 2009):

Take bears, bear tracks and that sort of thing. No one in hell believed them until they caught them on camera and then it was a settled matter.

They sure as hell could prove [wolf] rejuvenations near wildlife cameras around boar baiting sites, where they'd poked around.

Wildlife cameras may be understood as an emancipatory mechanism from institution's monopoly of knowledge accounts, which simultaneously constitutes an evidentiary form that also proceeded according to their rules (in the sense of being verifiable data captured on video, as opposed to hunters' anecdotal evidence of wildlife sightings). Photography in the context of dissent has been suggested as a counter-expertise that shows an alternative truth (Johansson & Vinthagen, 2015). However, as one respondent noted, presenting such alternative accounts was only valid if one were one of the few people who had obtained a legal license for the camera. Without a permit, hunters would be apprehensive about the admissibility of presenting their counter-evidence.

Respondents in Dalarna county, where associations like the Anti-Poaching Unit (APU) and the nature inspectors of the CAB were perceived to be 'out to get' hunters, it was noted their own surveillance equipment bypassed the standards required by hunters for erecting such cameras. One respondent recalled a fellow hunter who did now not dare to remove his camera, because in a curious predicament, the 'others' (CAB and APU) monitored his monitoring and would catch him on tape. *A bunch of APU people are out to frame hunters.* The CAB's surveillance of large carnivores also functioned to many as a way of monitoring hunters' compliance rather than wildlife. In this way the CAB nature inspectors reproduced a problematic legacy of the old

institution jägeristaten which “resembled a police force, which scrutinises the peasantry in search of illegal activities” (Bergström *et al.*, 2015, p. 64). One respondent called this *countryside cinema*. This was taken as a thinly veiled attempt at keeping hunters on their toes. The same respondent insisted this particular conduct bred broader *contempt* toward state authorities, that suggested: *if they're crazy on this, they're crazy about other stuff*.

8.3 Laws without Ethics, and Ethics without Laws

In an ideal world, laws and ethics correspond. In the context of hunting, Vitali (1996, p. 26) writes that hunters act ethically simply by “observing hunting laws and regulations” because these ought to have been enacted with an interest of wildlife in mind. They are designed to foster the most informed wildlife conservation. However, as we saw in the case of wildlife cameras, laws and ethics sometimes disassociated. They created what hunters termed *ultimate dilemmas* whereby one could be illegal but ethical to one’s moral compass or be lawful but unethical. The latter represented an interesting configuration that was premised on the idea that extant laws, while numerous, did not cover the scope of moral harms that could be committed when hunting. At times, the law was even formulated to discourage hunters from taking what they contended was the most ethical conduct. This can be clarified by Brownlee’s (2012b) example of a gap between codified law and non-codified morality, and the difficulty of choosing one over the other. She describes an actual situation in which British police community support officers tried to save drowning child in a pond, not by intervening physically, but by radioing for a trained emergency crew to the site. In the intervening time, the child died. These officers followed the proper procedure, but were widely censured by the community for their moral fault in choosing the lawful path.

In hunters’ context, a respondent exemplified a discontinuity between law and ethics in the law prohibiting bear baiting and instead licensing the kind of hunt with a pack of dogs. Similarly, another respondent criticised *some bloody rule about parking your car 150 or 200 meters from your shooting site*. He considered this *nonsense* given the animals were often calmer in these situations. *I think a lot of people violate that rule*, another said, because of less stress involved for the animal. The use of lighting, one respondent explained, reduced suffering for animals by ensuring accurate kills, but was not legal strictly speaking, which made little sense to him in the context of animal welfare.

Another hunter lamented the ban on lead hunting for goose, given goose are difficult to shoot and with subsequently high risks of maiming the quarry, lead bullets were far more humane than the alternative ammunition: *[lead] will just*

be encapsulated into the muscles and that's the end of it. Hence, the law was seen as nonsensical. Certain laws around weapons restrictions, furthermore, were also explicated by one respondent as unnecessarily limiting in a way that resulted in hunters sometimes venturing out with *unsuitable weapons* with the implication they had higher capacity to wound game.

Respondents were also asked whether they felt laws were inadequate in any dimension. *I will say that I think the regulation is, in many instances, a little too weak.* Things on which the law was too weak included high quotas for game allocation and lax supplementary feeding practices for wild boar. The latter is a sensitive issue that I have addressed elsewhere (von Essen & Allen, 2016c). The high quotas for game allocation was a particular grievance with moose, whose overly long open season was traced to the unethical influence of large landowners. When left to their own devices, forest companies granted irresponsibly high quotas. Speaking about the season where moose are now fair game, one elder respondent argued:

It's far too long. When I stated hunting [in village] there were no licenses or anything [...] when we hunted, we would shoot.... we would only do it for a week or so. Then you'd stop. Now you hunt from October to last of January [...] The moose hunting, I'm against the fact that it's so long.

As has already been presented, a majority of respondents were critical toward accommodatingly long open seasons for certain game, such as moose, and many noted the need for exercising personal discretion in shortening seasons for many other species as well, such as pheasant. *We take a shorter time hunting them than the table stipulated just so the males can recover properly and we're able to provide them with supplementary feeding.* Another saw that the hunting for bucks commenced too early in the year.

That some laws were so weak on certain matters that they compelled hunters to abide by a complementary ethical code was also raised by one respondent as a concern with fox hunting, albeit on sentimental grounds. *The pups are only protected for a month or two [...] I think hunting those feels a bit weird. It's a little puppy. It's crazy [...] you you're your way to a den and you see a litter of fox cubs sitting there. To get your gun out.* Another evoked the same reasoning criticising an unduly early harvest time for rabbits: *when you shoot them 15th September, the females have milk in them. Which means they have a litter somewhere who will starve and die.* Where official allowances were accommodating, then, hunters advocated for more restraint to be ethical.

Another asserted the ethics of different hunting dogs was not sufficiently attended to in regulation, but resulted in animated discussion among hunters over suitable dogs for deer hunting, with the risk that some were *too sharp*

(meaning too fast and efficient) for that quarry, as the goal is simply to drive it in the hunter's direction. *They have this kind of regulation in Finland. They've got withers or leg height restrictions for the dog.* In Värmland and in the south of Sweden, respondents also indicated that there needed to be greater incentive and impetus for hunters to go through shooting range practice in between seasons, as this was sometimes done intermittently at best in the absence of any legal prescriptions. It connected to a jägarmässig ethic of marksmanship, or 'one bullet, one buck' (List, 1997). This could either be done by enforcing rules of mandatory target practice, or by having the hunting associations foster a culture where greater emphasis was put on shooting practice. In either case, the law silent on this issue and called for jägarmässighet.

8.4 On Reasonable Laws

To the extent respondents were pressed about hypotheticals in rule-breaking, a pattern emerged that reified the legitimacy of laws which were clearly rooted in a jägarmässig praxis. For example, extant time restrictions for hunting were mainly seen as fair and commendable directives through their basis in in real life conditions. *I see those rules as pretty reasonable actually. I'm sure there are exceptions where you might say it doesn't matter though. Like, it works as well anyway.* Respondents were challenged as to how they might be prone to go for ten minutes longer than allowed after a hunting day, but surprisingly a majority replied that this rule ought to be obeyed because it was premised on the sunset and sunrise, and therefore built on sound meteorological principles. Here, then, rules and informal norms were successfully aligned by finding common ground in praxis (as in Gore *et al.*, 2013). There was therefore no need to enact them through public deliberation.

By 16.45pm it's pitch black anyway. So I've never seen this as a problem.

Half an hour before sunset you might as well go home because you won't see anything anyway.

Obeying time tables was contended to be *just one of those things you're born with* or else get tuned into early in your hunting career. To many, then, any violations were curious.

You'd for sure give your hunting neighbour hell if you heard a shot fifteen minutes after [...] you'd wonder what the hell is going on now.

I remember many years back we were strict about only shooting till sunset. And as we were out five minutes past the sun setting, two moose emerge. [My hunting teammate] tells me 'aw hell, surely moose can't tell the time?

Three hunters indicated times could be stretched in some cases (*It does take place*) especially when meteorological and topographical conditions permitted good sight. But generally the prohibition was seen to make sense. *In principle I think you should follow these rules unless they're outright crazy*, and these were not crazy but legitimate rules. They were also fairly recent, with amelioration in the hunting decree in 1967 (Haglund, 1980).

One respondent recalled a two week recent hunt for deer where his hunting team leader stipulated a cut-off time one hour after sunset, at the latest. But the respondent reported having stopped the hunt fifteen minutes before. Another suggested you had the common sense *sentiment* in your body, indicating following a moral compass, and that only on rare occasions did this not gel with the official regulatory times stipulated. To this end, there were grey areas even within this regulation. But these effectively reified the legitimacy of the rules, noting occasional harmless rule-bending being was permissible, analogous to how running a yellow light did not signal an overall contempt from traffic regulation framework or a lawless disposition:

If you happen to shoot a moose fifteen minutes past what the law tells you I really don't think it matters.

I fully admit that I've gone duck hunting far after the time restriction in the legal sense.

A few minutes here and there, you might be a bit over the limit. I can't say I have the exact time of my shooting when I'm out deer hunting.

You can hunt till the sun sets. I'd wager most people have hunted minute or two longer.

I didn't have a watch with me. The weather was piss-poor. I was so fucking cold and the sight conditions were bad and I was walking. I neared a group of deer on an open field. I approached them as closely as I could and I shot and one deer died right away.

A couple of other respondents, moreover, went further by suggesting time tables could be scrapped entirely to have hunters follow their own jägarmässighet's ethic: *In the hunting ethic I've been schooled in, it's not so much the clock that controls it but the fact you don't stress on the animal. So it's how certain I am that I can do this in a way that doesn't inflict unnecessary suffering. You should never torture an animal, not even flies. [...] some rules are simply written in a way that that doesn't resonate with this reality.*

Another hunter, moreover, indicated that the influx of technological gadgets to facilitate night-time hunting could complicate and undermine what had

started as an ethically sound basis for the time restrictions by detaching from the natural constraints that had grounded the law in the first place. *I don't think that's OK*, he reflected of the development, *But it's getting more common. It's happened where I live several times this autumn.*

Similarly, the times of the year for open season were seen as 'sacred' to honor by nearly all respondents, and breaching these took on connotations of poaching: *Shooting game outside of season. That's a no-no to most people.* This may appear as a point of contrast to North American hunters, where 'the poacher who mixes up his schedule' is a relatively low offending category in the eyes of fellow hunters (see Eliason, 2008b). The sanctity of season times to Swedish was further explained as:

We hunters have decided this ourselves.

I've thought about this a lot actually because it's so sacred and that's great. It goes back to allowing wildlife to reproduce.

It's unthinkable for us to start deer hunting sooner than stipulated and things like that.

It's very strictly enforced. Otherwise you'll get a *snedbeskattning* of the population.

When broached with the issue and asked whether it was a common occurrence to hunt outside of open season for game generally, one respondent said *Absolutely not. We're hunting*, with the implication that such shooting was not proper hunting and ought to be discursively disconnected from such. This was repeated by other respondents:

It's not hunting.

When it comes to shooting the wrong animal at the wrong time, I think that's something Swedish hunters are truly allergic to. That's now how we hunt. Here in Skåne a lot of hunters are critical toward certain moose hunt times because they are still in heat at this point. So move the season later and decrease the overall length. You hear that opinion a lot in some circles.

There's a reason they are protected during certain times of the year, what with mating and breeding and such.

Nonetheless, small game was less sacred when it came to honouring times, as were birds: *Times vary a bit and I'm positive there's someone who's shot a crow when crows aren't technically fair game. That just happens.* Another admitted to having shot two rabbits unknowingly at the wrong time, which was told to him afterwards. He defended this by saying *the rabbit population is*

probably completely independent of those two rabbits I shot. There are so many rabbits and surely so many other things that constitute bottlenecks in the rabbit production.

In summary, hunters mainly reified the validity of those laws that were seen to pertain to hunting praxis: laws whose rationales were physically visible; darkness prohibiting evening hunts or breeding season being off-limits. That is not to say breaches did not occur, but they were framed as misdemeanours that did not challenge the legitimacy of the law itself, but were merely derogations that might occur for personal reasons.

8.5 On Unreasonable Laws

It is significant that when asked about the legal framework for hunters on the whole, a little over half the respondents provided positive answers, affirming the legitimacy of the regulatory regime at the outset of the interview. This may be because they needed to establish their credentials as lawful and loyal persons before venturing controversial attitudes at later points in the interview (Monin & Miller, 2001). To this effect, several respondents began by extolling the law's relative freedom and its anchoring in cultural-moral praxis.

I think overall they feel like a good package deal [...] right now I feel like things fit together.

Swedish law in general is pretty well-made.

Fundamentally, it's great actually, really amazing.

Less positive conceptions followed, however, and became pronounced over the course of the interviews as more themes were explored and concrete issues discussed.

The laws cohere reasonably well with each other but then there's the gap between the law and the people. In particular with regard to the wolf issue.

It's relevant on the whole but some aspects are dated [...] things change so why does it have to be so static, I don't understand [...] it's not the end of the world but it's a little inflexible.

One respondent who critiqued the outdated format of the regulatory framework argued

I'm frankly surprised rules aren't broken more often given how unreasonable Swedish hunting legislation is. And I say that as an expert sitting in on this revision process.

8.5.1 Unreasonable substantively

In accordance with the literature to question laws in themselves, how they are defined, and by whom when it comes to non-compliance by the public (Hauck, 2008), we have already presented the ‘whom’ behind policies in chapter 6: Relationships with Institutions. Here the content of the laws and the ways in which the laws are worked out are presented in two sub-themes: laws which are unreasonable substantively and unreasonable procedurally. Scepticism toward regulation was something that was generally teased out later in the interview when discussing particular issues. Respondents indicated the sheer excess of different laws today meant they were too many to keep in one’s head at any one time. This made it *pretty difficult to be law-abiding today’s society*.

There’s laws that’s archaic and illogical and therefore not easy to keep track of it. I can’t say I know of a law that’s unnecessary as such but it’s stupidly written for Sweden today is all I can say.

No one knows all regulation really. So it’s definitely possible to be in the wrong unknowingly.

There’s so bloody much that’s unnecessary.

It’s just messy today.

There’s a need, really, to find your bearings and find a basic law you can relate to.

You just poke and prod that thing [hunting legislation] to death. It just gets worse and worse.

Another respondent suggested that in his experience of the hunting associations, which effectively help hunters make sense of rules and translate them into praxis, was that even employees at the associations sometimes struggle to comprehend the legal configuration:

When not even the lawyers can make sense of it [...] some things apparently you shouldn’t even try to get your head around.

It was a common gripe among respondents here that that those ostensibly tasked with practicing the law had difficulty interpreting the current hunting legislation. In suspected cases of illegal hunting, a respondent said:

You have a cop and an attorney who investigate something they have no clue about [...] and you have a regulatory framework that’s very rubbery and old-fashioned and scarcely updated in the past 50 years. How do you expect do induce compliance?

It would be nice if [politicians] could at least speak to each other first to coordinate and THEN issue directives. This charge over inconsistencies, and cross-purposes over what had grown into a thorny undergrowth of contradictory rules surfaced repeatedly.

It creates a very weird situation when different laws are at cross-purposes. That'll result in confusion and lack of safety in the forest.

When you listen to lawyers and what they analyse it's so unreasonable. I've also seen in the hunting decree investigation how high positioned lawyers who try to wrap their heads around two paragraphs in the hunting regulation contradict one another. Who should you believe? How on earth is the average hunter supposed to figure this out?

The respondent added the lack of logic to the regulation was owing to its outdated format, from 1938 and having been remade most recently in 1987 before entry into the EU.⁹ As such, he argued, conditions have changed and necessitate updating the rules because of the Habitats and Birds Directives and because of an influx of new game, including boar, deer, large birds and geese. *So a lot has happened. New animals have resulted in a desperate patching and quilting job on the hunting decree, it's become impenetrable.*

A third respondent recited discrepancies and room for interpretation in the laws, but also indicated this was a problem from recently and needlessly embellished regulation rather than failure to update old decrees. *If we start to impose detail regulation hunting will effectively become impossible.*

I think a lot of things get fussy because of ignorant people deciding over us what to do.

The criminalisation of customary hunting practices for small game was observed as especially misguided in the scheme of things. First, it reflected an unwelcome tendency on the part of the regulatory regime to redefine everyday practices as criminal behaviour (see Duffy, 2010; Holmes, 2007; Jacoby, 2001). Second, certain upcoming potential restrictions, like no dogs for bird-hunting, were simply seen as substantively ridiculous on their own. *They're what actually enable the fetching of the game you shoot.* He added sarcastically: *See birds have a certain tendency to land everywhere.*

Likewise, recent prohibitions on fox traps constituted a *wholly unnecessary addition* that ignored hundreds of years of history of not having to register licenses for them. The respondent connected this to a fear on the part of managers of accidentally trapping lynx, reflecting excessive concerns about

⁹ It can be noted that smaller reforms were made in 1951, 1961 and in 1967 in particular.

large carnivores to the detriment of other wildlife management. He noted this was an unmotivated concern given the scarcity of lynx in his region of Värmland. Respondents often struggled with answering the question of any regulation was unnecessary, with one suggesting that perhaps that which was least necessary was the stuff you did not keep in your head.

But a family of laws that received an unanticipated amount of reactance along the familiar lines of ‘who do you think you are, telling me how to hunt?’ (as explored in Kuentzel, 1994), especially from hunters located in the south of Sweden, was weapons regulation. That the police force was incompetent to enforce such regulation has been observed at two earlier points including chapter 7.1. The Primacy of Local Rule, but here respondents suggested the weapons framework itself was nonsensically constituted.

First, the way in which weapons were divided into classes was seen as archaic. A respondent described weapons regulation as informed by curiously “aesthetic” standards:

If you have a rifle that’s semi-automatic and shoots bullets but not when it shoots hagel it can’t look a certain way, like if it’s interpreted that it looks military-esque. Which is very funny because most of our hunting rifles today are based on Mauser mechanisms. That’s the gun that the Germans lost two world wars with. Yeah that’s OK because it’s not semi-automatic. But as soon as it is, it can’t look military-like.

To him, this meant having to get rid of guns that had been inherited and had high affectionate and historical value to him.

Second, around ten respondents were critical toward the restriction of only owning up to six guns because they saw that this legislation was grounded in safety concerns that hunting weapons might be used in crime. They likened the gun regulation process to having a fear of becoming like the American system, but that this resulted in illogical precautions: *You keep hearing they want to tighten up the weapons legislation as soon as anything happens in society. But these are not hunters’ rifles being used in crimes.* Indeed the association meant that 70 year old men who *collected everything and anything*, including guns, would be deemed a menace to society to be controlled. A respondent noted he owned seven guns out of spite for this regulation. Another noted trying to get his wife to get a hunter’s license to bypass the restriction, allowing him access to her set of hunting rifles as well.

Some, though, mainly from the north, felt restrictions were presently *liberal and reasonable*, but another mainly southern based group of respondents (no affiliation to each other) specifically highlighted the low number of hunting weapons featuring in non-hunting crimes. *It’s barely even measurable. It’s too*

easy to get a hold of other guns. You want full automatic guns if you're a criminal today. You're not interested in a big bulky hunting rifle.

There is no empirical data that suggests society would become less safe with more guns.

It's no reason to make things harder for hunters and I think it just results in unnecessary resentment following a non-issue. I'm sure there are other issues you can focus your attention on.

Third, rules and prohibitions around how guns were used, and how ammunition was acquired and transported, was likened to *stochastic* by one respondent. He attributed their capriciousness to the *many different interest groups have pursued their own passionate causes in their own way which means we've ended up with a regulatory framework that's incredibly scattered*. This language was repeated by another's contention that: *Some procedures around weapons crimes are incomprehensible to me*. A Värmland hunter, for example, questioned the rationale behind prohibiting the loading of one's semi-automatic rifle with more than three bullets at a time when hunting bear, but at the same time permitting six bullets at a time for moose hunting.

A few [rules] are a bit peculiar when you get into the detail level. Like for bears you can't use more than three shots.

Compliance with weapons regulation, moreover, was taken as impossible because it was so messy. It was also illegitimate because enforcement was either lacking or overly strict. This apparent contradiction could be understood as law being strict on paper but rarely properly enforced in practice.

It's so tough, if the police for example catch you with a weapon in the backseat of your car with bullets in it. Then they can seize both your gun and your car.

If I do something on my own hunting land that I have a right to hunt on, for example I put my rifle in the backseat of my car without sheathing it in a case...

Failure to navigate such incomprehensible weapons regulation, one suggested, was a leading cause for being labelled an 'illegal hunter' today.

So if you put your rifle in the backseat of your car without sheathing it and you pick it apart and drive on land you don't have the hunting rights to [...] which per definition is any public road [...] as you don't have hunting right there... well, then you are 'poaching.'"

Unjust weapons legislation was perhaps particularly discussed in these interviews against a backdrop of the EU now wanting to impose licenses on a expiring five-year basis for rifles, where before they were indefinite. *How on earth are the police even to keep up with that kind of work?* one asked. At the same time, the respondent who had been critical of the maximum six weapons legislation because of an unestablished link to non-hunting related crime also advocated that if weapons were to be meaningfully regulated, one ought to focus on *weapons handling and how you store it, access to it, and that kind of stuff*, and not the amount that was permitted for legitimate hunters.

One critical respondent nevertheless suggested that the tide seemed to be turning in his favour, as more people and empirical data supported the nonsensical nature of weapons regulations. The *confused debate*, he noted, would be won by hunters in the end and weapons law would either cease being infringed upon or become more liberal. In summary, laws critiqued in this section were so on the basis of failing to adhere to rational logic. They were criticised for constituting products of particular historical-contextual factors (in the terms used by Cerda García, 2015) grounded here on aesthetic standards, which made them nonsensical to hunters.

8.5.2 Unreasonable procedurally

On a practical level, we have already seen that the weapons regulation was perceived by several hunters as substantively nonsensical and as unnecessarily restricting the civil liberties of hunters. But weapons issues were also unreasonable on a procedural rationale. First, there was a big hassle associated with acquiring permits for weapons, sometimes to the point of being stigmatising for hunters. Recalling a built-in discouraging effect to the procedure, a respondent said, *All I wanted was to renew my license on an exactly the same gun as I had, just switched serial number... and that's a seven month process involving the police*. He observed that this was as they symbolically: *had to give a formal say and make sure it's difficult to obtain weapons in Sweden*. This was repeated by multiple respondents, who indicated that trivial matters like renewing the same weapon and ammunition license was met by tremendous administrative burden and police attention.

The fact this license application process involved the police authority *without any real basis*, indicated to some that a praxis, and subsequent path dependency, had now been established around the difficulty of obtaining new licenses. It meant the system *had won* despite the lack of legal precedents. Second, licenses and permits generally were arduous to obtain, which respondents traced to the system discouraging hunters from undertaking these things with any ease or routine. The primary weapon in the admiration's

arsenal, it was argued by two Dalarna hunters, was administrative inertia. Beyond weapons, acquiring licenses for protective hunting was extremely difficult where wolves and large carnivores were concerned, to the point where respondents purported to *having gotten the message* about their applications not being appreciated by the system. *We've had wolves running here and there in Hagfors, Forssa Hagar and Sunne. Everywhere wolves have made into human settlements and we've all seen it. And yet, still we were not given the license for protective hunting.* The respondent noted that following the lack of uptake, the wolves *will probably disappear again*, hunting at an illegal approach to taking care of the problem where the legal one failed due to inertia.

One described the process of having to apply for a permit as such: *First you need to read legal jargon. Then you need to read RVS handlingsföreskrifter. Those are the ones that deal with the licenses. Then you have to go and read the SEPA's interpretation and then you are MAYBE allowed to check MSB so they don't have any reservations too. Then you have to sit down at a table and make it all work* which was deemed unfeasible in time-sensitive situations, as most license matters typically were. Hence, it was built up to have the issue 'expire'. The same respondent constructed an analogy to demonstrate the senselessness of the arrangement, noting how *to lie down on the pavement as it cools you'd have to check with municipality, the county and the state about the rules for that particular sidewalk. Then you have to phone up the police in Lund and ask them how they interpret the situation.*

Third, legitimacy problems around procedures behind rules and policy stemmed from political decisions failing to take into consideration *Swedish hunting tradition. It's instead EU legislation that's interfered.* The same respondent declared that the crisis of current wolf politics was *known to politicians*, but could not be helped given the EU's current reach.

If only the government's proposition to decentralise and give the local more power over decisions we could have had a legitimate carnivore policy. We could also have had a wolf population. But today it's gone too far I'm afraid.

Here, a majority of respondents in fact deemed human-carnivore co-existence possible, and rather declared it was the premises, processes and decision-makers behind the current policies that rendered this impossible at present. *No, not everyone will get their way and we have to deal with that*, one respondent contended of the more radical wolf sceptics. He argued, however, that this did not mean one had to abide by an *arbitrary* way of doing politics:

We can't continue in the way we have. We need to reinvigorate the debate to move forward.

The notion that not everyone could be pleased, and not everyone could have their say on everything, was repeated by several respondents in connection with allowing what they perceived as *outside interests* to regulate hunting issues. While one respondent conceded it may be *up to society to make the rules* over the public good that was protective species, he also suggested this public ownership was not working because society kept trying to accommodate all interests to a great extent. *Just imagine how the traffic regulation would be if everyone had their say on speed limits. You have to be able to respect that some assume the responsibility and exercise decision making power.*

Fourth, several respondents, notably those with academic jobs, observed the scientific basis for decisions today inadequately informed decision-making procedures. Its absence, moreover, was seen to render discussions vulnerable to intractable controversies expressed in value-based ‘good-vs-evil’ or ‘black-or-white’ conceptions of, for example, the wolf.

The Swedish Hunting Association has previously criticised conservationists for resorting to emotional arguments, noting they themselves deal with facts, validating the hegemony of a detached scientific discourse by differentiating themselves from subjective and emotional arguments while at the same time offering a thinly veiled jab at animal rights activists (von Essen, 2015; Ekengren, 2012). Where the wolf is concerned, a strategy by hunters has long been to discredit the “more emotional than ecological” (Brownlow, 2000, p. 146) rationale upon which wolf conservation seems to trade.

At the same time, it was also recognised that science was *a minefield*. But there had to be a well-referenced and biologically sound basis for every decision. This was currently complicated by *all those ideologies that have snuck into research*. Emphasising there was no such thing as neutral science, a respondent nevertheless considered there to be greater scope for unbiased accounts than what was presently the case in wolf politics, and which was reminiscent of the deep ideologies that run in climate change research. Hence, insofar as resource control and human-wildlife conflicts are most commonly predicated on science and societal values diverging (Peluso, 1992), here there was an issue of the plurality and subsequent unreliability of science, which to him could be selectively harnessed to support one’s particular values. This was perhaps the leading source of critique deployed by respondents toward scientific knowledge; not that it imparted a schism between science and lay knowledge as reported in wolf conflicts before (Skogen & Thrane, 2007), but that science in itself had now become subject to agendas and political perspectives. When harnessed, it could provide powerful currency.

The process of finding data for supporting policy decisions was especially criticised on account of interest-based deduction: *Among green biologists there*

are those who don't operate from the central issue but proceed from their own view and look for evidence to support it. He added that *you have to go international* when looking for research. He suggested truths about wolves and wildlife management arrived at on the national level by Swedish scientists were only true until some international measurement trumped them.

Fifth and finally, the by far most aggravating observation respondents made of the illegitimacy of procedures around policy in hunting and wildlife management was the scathing criticism they levelled toward the legal debacle around overturning the democratically mandated license hunts for wolves. This was seen as *putting democracy out of play*. Here, GMD decisions on culling wolves in the most wolf-dense areas, such as Värmland, Dalarna and Örebro, have been routinely appealed by ENGOs on the grounds it violates the Habitats Directive by subjecting a non-viable population protected under Annex VI to hunting pressures. Large carnivore harvests face increasing opposition from interested parties in both Europe and the United States (Treves & Karanth, 2003), as the Aarhus Convention enables ENGOs to file appeals, effectively, on behalf of nature or, in this case, on behalf of wolves (Epstein & Darpö, 2013). While in the US this has mainly taken the form of animal rights organisations appealing the delisting of wolves by challenging its constitutionality (Mulder, 2014; Olson *et al.*, 2014), the appeal of European-based ENGOs to a higher principle in EU environmental law represents a highly related phenomenon that mimics the US case of 'courtroom management' of wildlife (von Essen & Allen, 2016a). Both may be understood as 'rightful resistance', in that instigators show fidelity to and appeal to higher order law to demonstrate the illegitimacy of that which they protest: culls.

The appeals have been put forward by the Swedish Carnivore Association, Nordulv, Wolf Association Sweden and the Swedish Society for Nature Conservation since 2010. They have been sustained each winter and have often put a stop to, impeded or outright scrapped license hunting that had been agreed upon within the county GMDs. In addition to providing citizens with a voice in a problematic situation with wolves (Cinque, 2015), culls are motivated by a need to thin out packs and re-instil the fear of humans that had been lost without hunting pressure, resulting in increasing transgressions on human settlements (Sjölander-Lindqvist, 2015; Alarik, 2014). The first wolf cull attracted over 12,000 registrants in 2010 (Cinque, 2015). With protracted appeals ending up at various courts in the years that followed, respondents were exasperated.

Legally speaking it's all shot to hell.

It's quite frankly crazy that you can stop a whole operation that's been decided.

Another traced it to a loss in confidence in the regulatory regime:

The more time passes the less faith I have in the authorities who decide on these things. Now the government's promised a license hunt this winter. They've promised us. Let's see if that ever happens.

The objection, furthermore, was in several dimensions. First, as contended, appealing was seen as renegeing on one's promise. Second, it denoted *doing the job afterwards* instead of before, with the reasoning that ex-post appellations were a Band-Aid to lacking procedures of public involvement leading up to the decision *It's important to do the job before you come to a decision, and not do it after the decision*.

Third, the protracted appeals affair was taken less as a legitimate contestation of a contentious decision, and more as an obstructionist process that juridified democratic decision and deliberately sabotaged hunters through strategic interim injunctions. While conceding the *democratic right* of contestation, one respondent condemned the appeals because *they're just so plainly connected with sabotage and agenda*. Others stated:

I mean, you should be able to appeal government decisions but it's gone too far when it prevents the management of a whole species.

Through filing an appeal alone, the time it takes to determine if that appeal is justifiable or not [...] in practice that means the appeal has to put a stop to [the hunt]. It's crazy. What's going to happen this winter? I'm afraid to even guess anymore.

This legal strategy, moreover, has precedent in US wolf management, where Animal Rights NGOs have sued the state over issuing like allowing the use of dogs in wolf hunting, resulting in temporary but cumbersome injunctions that contributed to a feeling of hunters being jerked around arbitrarily (as the hunters in the US legal battle over wolves explored by Olson *et al.*, 2014). One respondent suggested that the SEPA was complicit in this circus. He argued if the SEPA had publicised the wolf hunt decision earlier in the year, as opposed to the same winter it was slated to take place, there would have been absolutely no incentive for NGOs to initiate an appeal process – because, to him, they did so merely to obstruct and postpone the hunt until hunters could no longer undertake it. With a decision presented earlier in the year, any appeal process would have run its course by the time it came for the hunt to proceed. He noted illegal hunting was an intuitive and understandable consequence of being subject to this unreasonable legal process.

Of the same predicament befalling Finland, another respondent noted:

There's bound to be absolute hellish resentment there as they had planned one and EU forbade them.

...one respondent contended, arguing the culls if they were to go through would fail to make a dent by being mostly symbolic.

It's all for show anyway.

If you absolutely need the luxury of having large carnivores in the woods, which I agree one should be able to have, one sure as hell has to make sure to hunt them as well.

License hunts were indicated as the way forward by a number of respondents, signalling the relative responsiveness of the government to local concerns, as well as giving counties autonomy and getting hunters involved. The hunts, to the extent they have been permitted, have been demonstrated to indicate to hunters an important concession and uptake on the part of politicians (Sjölander-Lindqvist *et al.*, 2015). One respondent expressed participation in license culls for wolves as an important indication of *wanting to solve things the legal way*, with the implication that without license hunts, hunters may be forced to solve the wolf issue illegally. There were clear disadvantages to an illegal management, not least personal risk, but it could also undermine the management flexibility and so constitute a long-term challenge to a sustainable wolf population (Kaltenborn & Brainerd, 2016).

Another explicated the difference as *taking the very long way around* trying to get legal hunts for wolves, but that one must try to not take these illegal shortcuts. When discussing illegal hunting, the license hunt was often raised as an issue: *You do want to be able to do the management you're legally allowed to do. You'll do it anyway if there's no political interest for the question.* Illegal hunting was thereby seen as demonstrating fidelity to a county-based verdict, indeed, paradoxically, as a kind of rightful resistance to restore order. Meanwhile, ENGO's appealed to EU law as their higher order law. Furthermore, rationalising poaching because of distrust in the ability of the government to engage in required management, illustrated globally (Gore *et al.*, 2013), was thereby a necessary consequence of the breakdown of the license hunts. ENGOs' appeals of legal wolf hunts were therefore a disservice to the future viability of the wolf population in Sweden.

There won't be one this year either, and many hunters think it's going to become like Finland another respondent contended, referring to the acceptance of poaching of wolves in Finland given similar legitimacy problems. Although research has speculated about the link (notably Linnell, 2013), some respondents here were less certain about the direct link between poorly

organised or absent legal harvests to the poaching of wolves, but as one noted, acts of dissent would no doubt precipitate from resentment: *If there's no hunt this winter either I think all hell will break loose. While I still don't see that people will take the law into their own, I do think we'll stop our tracking efforts of vehicle-injured game.* At the time of writing in 2015-2016, public demonstrations were organised by hunters in Karlstad, Torsby and Örebro. *The worst part, a Dalarna hunter contended, was that you eventually just give up.* Those license hunts that would be granted, which would be a minority in select regions of the country, would meet over-eagerness and resentment on the part of hunters, as documented by Sjölander-Lindqvist *et al.* (2010) and supported in this study: *With all the appeals you might end up getting two days' worth of hunting. And a lot of people participate, which means they'll be very trigger-happy. A lot of wounded wolves that way.*

Whether a symbolic populist move on the part of hunters to rally behind license wolf hunts (as suggested by Tønnessen, 2010b), or the start of a constructive collaboration, granting hunters cull for wolves was seen as:

It's an important way of generating acceptance.

It's something that would take the pressure off[...] it would help the debate.

If you get legal hunts up and running, I don't believe there'd be much reason to illegally hunt wolves.

Oppositely, its appeal was held to *creates a sense of exasperation and powerlessness with hunters while on the protectionist side... I think it's an ugly way of doing things.* The literature however expresses doubt over the notion that turning animals into goods and incentives as an off-the-shelf toolkit for increasing their acceptance will reasonably minimise conflict where this has been established (Shova & Hubacek, 2011). Studies have even shown hunters who killed or were compensated for large carnivores were less tolerant than those did were not (Lüchtrath & Schraml, 2015; Treves & Karanth, 2003).

Still, it became clear that shooting large carnivores *legally* was a source of pride to two hunters, one of whom recalled a newspaper wanted to cover his story when he shot a lynx in a northern county in 1999. It was, in this way, a way to reclaim a positive self-worth following resuming responsibility (Sjölander-Lindqvist *et al.*, 2010). But it was a badge of honour borne ambivalently and selectively featured in one's public stance, as respondents noted having to hide the identities of the actual shooters of wolves in license hunts from the general public because of threats.

A respondent observed with scepticism that resolving the license hunt fiasco and securing a legal hunt did not appear a priority for the state,

especially given the environmental party's role and the need for the social democrats in power to strategise with them. *I'm not holding my breath*, he said. Another respondent expressed frustration over the legal obstructionism turning trials into *de facto* hunting leaders. It can also be noted that I had difficulty booking interviews with hunters in Dalarna and Västmanland in January-February 2016, because many of those I contacted were on an agitated 'stand-by' basis in case the license hunt would actually go through and survive the legal appeal. They told of feeling jerked around when I met with them, but were ready to seize the opportunity if and as soon as it presented itself so as to not lose to window to poor snow coverage or another round of appeals. This coheres with Cinque's (2015) and Sjölander-Lindqvist *et al.*'s (2010) research into the license hunts on the ground, which were stressful and anticipatory on the part of hunters, eager to fill the quota before something would stop them.

In summary, hunters may be said to have had more elaborate criticisms toward the ways in which policy was enacted (or failed to be enacted) than toward the substantive content of policy. Although this too was often critiqued as being nonsensical or stigmatising, its practical enforcement aggravated. Oftentimes, they simply wished for authorities to stick to the agreed-upon directives. *It's the way these things are handled that upsets the most*, one respondent said, summarising the disenfranchisement hunters experienced around wolf conservation, compensation for livestock damage and permit applications.

9 Social Sanctions and Informal Enforcement

Part of constituting a sovereign jurisdiction and relying a praxis-based ethic of jägarmässighet before laws also meant that transgressions within hunting needed to be dealt with first and foremost informally within one's hunting team. As we recall from chapter six, transgressions needed to be contained to uphold the legitimacy of hunting before the public. The theme comprises the following six sub-themes: 10.1. On the Existence of a Sanctioning System, 10.2. The Role of Mentors and Hunting Team Leaders, 10.3. Maturing as a Hunter, 10.4. Enforcing Alcohol Sanctions, 10.5. Shooting the Wrong Animal, and 10.6. Reporting a Fellow Hunter to the Police. The main aim of these sub-themes is to present alternative sources of morality available to hunters when formal regulation is deemed illegitimate or meaningless. It is also to show the extent and limits of the informal jurisdiction as compared to formal regulation and punitive measures. Indeed, as shown in the foregoing chapter 'The Decoupling of Laws and Ethics', sanctions show occasional complementarity, but also conflict and opposition.

Although reporting to the police did occur according to respondents, it did so mainly in extreme cases, where there was animosity toward the offender or where hunters judged it a last resort in particularly grave infractions by repeat offenders. Generally, given what several respondents characterised as the absence of an effective law enforcement control (*Nobody up here knows anything*), social control was most important. It took on numerous different constellations across hunting teams, which will be demonstrated below.

9.1 On the Existence of a Sanctioning System

Given the delicate nature of rural policing in general and hunting crime policing in particular, it is perhaps not surprising previous research has demonstrated this is a task often contained within the hunting community (see,

for example, the work of Okihiro, 1997; Kuentzel, 1994). Coordinating conduct and sanctioning misconduct, moreover, are based on social control and mutual trust within hunting teams (or indeed in most natural resource harvester communities, as in Pendleton, 1998). In recent research by Rytterstedt (2013), northern hunters in Sweden displayed a particularly strong propensity to resolve misconduct through their own disciplinary mechanisms, by placing a premium on their own set of social norms.

Informal sanctioning systems had multiple functions to the hunters interviewed: to cultivate better hunters generally; to uphold a standard of fairness in relation to others; to promote an ethic of restraint in hunting, and to protect the outside representation of hunting. *The [hunting] collective is so careful to maintain order.* This extended to all levels of representation, and none were so important as the level of conduct in the field, when taking a life.

It was important to promote jägarmässighet that extended to caring for and feeding animals as well as shooting them. A respondent suggested those who did not participate in building hunting towers and securing feeds for wildlife would no longer be welcome in the hunting team. Sanctioning through exclusion was a means by which one could shape the hunters one wanted: *That's the signal we want to send.* Another considered the merits of informal sanctions, compared to those by the criminal justice system, in terms of having a forward communicative dimension rather than a purely retributive one characteristic of the latter system (Brownlee, 2007): *I think it's a good thing there's a clear sanctioning system. If you shoot the wrong animal you'll get a penalty assignment that is designed toward improving your morals and ethics.*

And two others contended, it also provided an appropriate mechanism for *sorting through the people you like hunting with.* Some hunting teams, as it transpired, had more sophisticated mechanisms for doing so in place.

We have mentor systems designed to take in new hunters. It's not painless but it takes some time.

We have a system where we evaluate members in the hunting team. Is [name] someone we want to keep? Yes, he works hard, he pulls his own weight during our inventory days, I think he should be along for the ride. We have a kind of probationary period so to speak, where the individual is evaluated.

Such explicit screening of candidates and the relative rarity for strangers to be taken in has been reported as more prevalent in contexts where the hunting subculture is perceived to be under scrutiny from outside pressure (Brymer, 1991), which here necessitated guarding one's boundaries and protecting the integrity of the hunting team.

Two respondents with military backgrounds asserted they had law and order ingrained in them to a greater degree than others with whom they had hunted. Because one was in a position of educating other hunters formally, he took special care to police peers for wrong-doings by making sure everyone knew the rules in advance. Another contended: *A sense of discipline is imprinted in our very roots [as military]. So it's never an issue. If you say something, that's what applies and everyone falls in line.*

9.2 The Role of Mentors, Leaders, and the Hunting Education

As part of constituting a contained sovereign jurisdiction into which laws and enforcement were not always welcome intrusions, hunters also had to cultivate educational institutions that taught new hunters right from wrong in the moral, and not just legal, sense.

All respondents were asked about their experiences of the now mandatory hunting course exam that qualifies you as a hunter under Swedish law. It transpired that at least three respondents did not have this degree, since they started hunting before the decree was made mandatory. To some, not getting a hunter's license had become a matter of principle since they judged themselves too senior and knowledgeable to sit down in a class of novices reading from books. One said: *I'm overqualified several times over. I don't think it's as important*, said another respondent reflecting on *the formal stuff* of getting the license. Another considered himself largely exempt from the burden of having to get the license formally, given his long background of hunting:

Respondent: "It came to the point where I was to have the theoretical bit to complete it and I pretty much just went round to the instructor's house. I never read the book, you know."

Interviewer: "So what you're telling me is that you cheated?"

Respondent: "I didn't cheat. I was just so versed in it already that I felt like, I already know this stuff."

As a general theme, respondents appeared highly critical toward the idea of becoming a hunter by reading a book, owing to the academic nature of the course and its relative lack of rooting in practical experience. A hunter said he had only recently taken his hunting license exam alongside of his son, and noted he had failed the theoretical part despite decades as a hunter. While humbling and a laugh, it was taken as testament to the disjuncture between the course and practical experience of hunting.

Some intensive-based courses can be completed in as short as a weekend, and a few younger respondents had experience of this. *I mean I got my hunting license over a weekend [...] then I went shooting on Monday.* Respondents were generally more positive toward longer sustained courses that incorporated practical elements: *You learned a lot, a lot more than if you'd just sat there with your head down a book. You exchanged experiences with the others there and the teacher.* Of intensive courses, hunters were typically highly sceptical. *You notice with the hunting course, you sit on for an exam and then that's it.* On this view, the content of the course, including extensive ecological and biological identification knowledge, was seen by a few respondents as excessive to the detriment excluding more practical knowledge: *It's all about knowing what kind of bird this or that is. It's completely uninteresting for a hunter because they're all protected. What the hell does it matter then?*

One hunter contended one's readiness would be essentially non-existent if all one had to go on was a scholastic hunting course: *I think that's the big danger with those things and you can't get to that. We can't address it or remedy it in any way.* Another similarly recognised *the tremendous challenge associated with getting your hunting license today through an intensive course. They have such great need for knowledge to become 'real' hunters.* He and his hunting mates offered supplementary mentoring for young hunters at a nearby shooting range in the south of Sweden.

Two telling reflections that condensed a majority of respondents' views of the issue were: *It has to be a continuous process of learning,* and *You never cease learning hunting.* Indeed, that hunting knowledge and skill did not begin or end with the hunting course was something that was recited by a majority of respondents, though many noted the course may benefit urban hunters who had no family background to hunting wanted a way in.

It's really good stuff to learn if you don't have any other sort of guidance, like I have had, in real life.

It was also, when successful, a first port to cleaning up the more unsavoury contaminating customs of hunting by schooling a new generation, for example by cultivating a new culture and ethic around alcohol prohibition in hunting.

The second, and perhaps primary port responsible for cleaning up contaminating hunting was the hunting team leader. Respondents reflected on his or her attributes thusly: *A hunting leader should maintain order [...] he should have authority. He needs to have råg i ryggen [be a straight shooter] and speak up when things happen. At the same time he needs to be quite diplomatic.* To one respondent, authority was of secondary importance to the ability of the hunting leader to take in the views of others. A hunting leader

respondent reflected on maintaining this balance and said rules in his hunting team had been worked out collaboratively, with an initial proposal from the leader that was later subject to amendments from the rest of the team. As such, they derived legitimacy not only from authority but from the quality of procedures behind rules. *Now, whoever breaks these rules is given hell. It's worked really well.* Having clarity in codes of conduct was reassuring to some respondents. *We've put some in writing, another hunting leader said, we raise these issues when we have meetings. We like this and that. It's important for me as a hunter leader to have those discussions. To examine these issues. [...] we've also had votes.*

A hunting team leader required high alertness and a capacity for overview thinking; for this reason, one respondent criticised the tendency for the dog handler and the hunting team leader to be the same person: *the dog handler should just be focused on his one important task of finding the injured game [...] the team leader needs to be on another level.*

Some respondents expressed the importance of the hunting leader's accountability. But non-leaders also had accountability toward fellow members and toward the hunting leader in particular when it came to bringing in new people: *I had this friend who bragged a lot about his dogs, one respondent recalled, I asked my hunting leader to bring him in because I believed in him. The dogs were supposed to be off deer and only goes after boar. It ended up with one of the dogs maiming a deer. He was no longer welcome. He's lied to me and had me lie for the hunting leader, so he can take his dogs and leave.* To introduce someone to one's hunting leader, furthermore, meant *vouching for someone* and accepting the consequences of ethical transgressions partly on behalf of this person.

Another hunted recalled a panicked misfire on his behalf at a sow who seconds later was followed by eight suckling piglets. Although he missed, he said, *the hunting leader gave me hell for that because it aborted the hunt. I was so scared.* Reckless shots, in this way, which were sometimes traced to *meat-horny* hunters, could result in penalty fees and exclusions.

If this was a repeated offense, however, the hunter could usually expect to lose his place on the team. If it were isolated incidents, respondents suggested he could be driven home, given a different task, or receive some form of probation on account of his transgression. *You either pay up in money or, the more common approach, is you are barred from hunting for a few days. At most it's five days.* But several other respondents indicated some offenses, such as alcohol or violent transgressions, merited longer suspension sentences that sometimes lasted the duration of the hunting season that year.

9.3 Maturing as a Hunter

Hunters purported to learning practically from being out in the field, by trial and error, or by cultivating a common sense and jägarmässighet, or they learned through the embodied expertise of mentors and elders. For the former point, many hunters admitted to having matured as a hunter in their lifetimes, echoing previous research on passing through development stages as a hunter (Raija & Jarno, 2013; Eliason, 2008a; Eliason, 2004). This involved taking less chances. It also meant increased selectivity to the point of passing up game and caring considerably less for the trophy kills as you matured. When you were younger, one respondent recalled a lack of responsibility as a novice hunter, which involved getting away with more things than when you were seen as an older, respected, experienced hunter: *Nobody respected you that way or looked up to you. Now everyone knows I've hunted a lot, and a long time. So it's not the same as when you were inexperienced and hungry.*

Others contended;

When you were young you were very trigger-happy during bird hunts. You were taught never over 30 meters at the hunting course, but you bent this rule with split results. Today I shoot very little. I did shoot a deer a month back. But I had it within 15 meters before pulling the trigger. So reason, experience and maturity. And you're not as impatient.

Nowadays, he argued, certain types of hunting, including boar hunting, *still gets your pulse going* but that *you never shoot the biggest animal because that could be a sow. If you stay your aim for two more seconds the piglets arrive. That's when you know if you've done the right thing and you can give yourself a pat on the back.* Within maturing as a hunter, therefore, there was an in-built mechanism for propriety of conduct that could not be taught by books or enforced by outside authorities.

I think originally all hunters start out as interested in numbers and trophies. I've seen that with nearly all those who start out. [...] the more you hunt the more you value the experience of it.

I think I've gotten older and wiser. In the beginning you sometimes fired shots when you shouldn't have. I don't do that anymore. It's been happening for years now, becoming older and wising, and it's a lot easier to refrain from taking that shot today. [...] That's something we see with the younger hunters here too; they're keen to shoot. They're a little eager.

These findings cohere with much other hunting research globally that documents a transition take place from young trigger-happy hunters to senior

hunters with an increased interest in simply ‘connecting’ with wildlife and participating in nature’s processes (see for example Bogliogli, 2009; Simpson & Cain, 2000; Jackson & Norton, 1980). Or, as Vitali (2010, p. 29) puts it in somewhat binary terms: “Young hunters seek to dominate the animal hunter; older hunters learn to love the animal hunted.”

My own moral values have probably changed. Or I know they have. It’s primarily that you’ve gotten calmer, you don’t get the same... I mean you still get an adrenaline rush ‘now something’s coming’. But if you don’t feel right about it, you don’t do it. While if you’re younger you might take the chance anyway. I’ve definitely changed my tune. I look at wildlife in a completely different way. You grow into it through relatives at first [...] then you gradually create your own perception.

The younger-elder dichotomy, while not self-evident (as a different respondent contended: *old hunters can also get impatient*), was affirmed by those respondents who purported that elder hunters frequently took on a mentor role.

The elder hunters really want to school the youngsters and that means there’ll be a lot of discussions.

When asked where their ethic came from, respondents had the following reflections, which told of normativity around elder generations and their embodied knowledge, either through family relations or acquired non-kin mentors in hunting teams.

It’s something you’ve acquired from those who are seniors in the game. Those who are 75-80 years old and have hunted all their lives and say, this is how it is, [respondent’s name]. This is what you do and this is what you don’t do. We don’t let loose our dog in this way, or do that way. So they’ve imparted this wisdom. If you’re lucky enough to enter a hunting team where these people are that’s great.

The first was my upbringing. [...] those golden rules that the formal regulation builds on which are more traditional.

A lot of stuff you learn as a kid listening to the hunting chat around you with the kitchen table. There’s a lot of that talk when they come home after a hunt.

In the hunting team here in Ystad there were these elder hunters who told you what to do and what you shouldn’t do. So you got that schooled in you even if you started late as a hunter.

Customs imparted from socialising with hunters were also cited as important sources of *jägarmässighet*. It was a way for senior hunters to reach out to new hunters and cultivate a shared ethical space across a hunting community that was otherwise changing with new times and new demographics.

I've been raised with subsistence hunting where the food aspect was an important driver.

I used to be crazy about hunting. I was so involved in it. I subscribed to all hunting magazines and I was out a great deal [...] we would butcher at home, so you helped out there.

Different sources also imparted different types of knowledge to hunters. The hunting course took care of formal rules, but mentors transmitted embodied knowledge that could not easily be learned scholastically. Knowledge was thus seen to be complementary. One respondent noted the formal ethic for him came from the hunting course, but importantly, that senior hunters helped him cultivate the practical dimensions of such an ethic.

I probably learned a lot from those two men I hunted with. Even if they weren't aware of how old you were supposed to be when you could first walk with a rifle, but stuff like how things were to be handled and the view of the wildlife.

The more experienced old hunters exchanged wisdoms. You learned from each other. Today those hunters who get their degree are city folk without so much as a clue about nature and animals. They may not even have been out in nature.

Another senior respondent confessed to receiving his share of '*stupid questions*' from this new cohort. Others shared concern over the influx of new urban hunters, by contending mentor-less teams were at grave risk for moral disengagement around the ethic of hunting:

But I mean if you're 10 people from Malmö City who share a leasing fee of 300,000... who's to set the norms then? Who's to be responsible for the continuous learning process? That person doesn't exist.

Another recalled:

I've had several masters so to speak, old uncles I've hunted with over the years who've been very good. That's probably the most important bit – who your master is. [...] several of the hunters I hunted with provided very good role models in all sorts of way concerning hunting.

Mentors did not always equate to seniors and elders, but could be hunting team leaders who possessed integrity. *We have [a hunting leader] who's excellent and knows what to do in any situation.*

9.4 Enforcing Alcohol Sanctions

Respondents were also asked about their experiences of alcohol in hunting and how they dealt with situations where fellow hunters showed up under the influence. Alcohol and hunting emerged inductively as a juncture where the social calculus of hunters' sanctioning systems could be gleaned. This led the issue to be raised with all respondents at some point in the interview. Most respondents had had some experience of alcohol in hunting, but noted there was generally a zero tolerance policy toward the practice that extended to prohibiting even going out the next morning if one still had alcohol in one's system from the evening before, such as from the annual moose hunt week gatherings. Older hunters highlighted that alcohol in hunting has decreased significantly in their generation.

It used to be more accommodating.

It wasn't so thorough back in the day.

When I started it wasn't uncommon that people would show up smelling like booze at the moose hunts but these days it hardly ever happens anymore.

Another recalled encountering hunters as a child who *were simply not there to hunt. They were there to drink. But of course no wildlife ever went near them. It was hilarious. Back then you accepted fully that they were sitting there drinking and this was a repeated thing. One time they were so bad they couldn't drive home.*

A few respondents recalled incidents from international contexts, some from *backward redneck hunters* they had encountered, and others from large invited hunts. Three respondents who had experience hunting with Danes in the south of Sweden, or had invited Danish guests to northern hunts, discussed encountering a culture that was more accommodating toward alcohol, to the detriment of *jägarmässighet*.

I was with a friend on the weekend and there was a Dane who had shot at a pig, already at 6pm. At a baiting site. The pig got a way. [My friend] got a call ten in the evening, for fours after the shot. And then when he tums up that shooter is off his head. What it had been like before I can't speculate. But there were seven beers left of one keg.

Distancing oneself from such conduct through international boundaries was a common refrain, with one respondent noting that *those few times I've seen someone fish up something from their breast pocket it's been people—guests—from the other side of the Baltic*. Enforcing sobriety within hunting teams was largely at the discretion of peers and the hunting leader. Several respondents relayed how they had spoken up about someone under the influence, often resulting in the exclusion of the hunter. There were issues, however, including a discomfort in having to take on a policing role toward a friend. Many saw this as being the purview of the leader and not one's place to interfere. *That's why you have a hunting leader. They're the ones to deal with this stuff*. Three respondents expressed an unease over taking on a policing role themselves, preferring to delegate all such matters to the leader. There was a sense of *not wanting to pester* fellow hunters or *stirring the pot* by sweating them with the small stuff like proper weapons handling. Much policing was therefore contingent on the moral authority commanded by the hunting team.

A respondent recalled an unpleasant incident involving a drunk hunter, where standard sanctions were insufficient. *They took his rifle from him and offered to drive him home. And he joined the battue. But that wasn't anymore as he got lost. Very unpleasant if you ask me [...] I think the hunting leader should have had more balls there*. The other hunters, he recalled, mainly stood there laughing: *They knew who he was*. Others, nonetheless, recalled harsher and more absolute penalties associated with drinking on the hunt.

If someone shows up and you notice he's smashed he will be sent home that morning.

Someone showed up drunk once. I told him he wasn't fit for the hunt. I sent him home.

When asked about long-term repercussions, hunters said:

He who drinks and hunts no longer hunts with us [...] there's no discussion. Just go home.

Alcohol would be the ultimate strike.

You lose focus and you don't get as much from the experience. You should cherish your hunting hours.

It was generally up to the hunting leader to enforce the alcohol prohibition, but the social climate and the collective of peers also mattered inasmuch as the hunting team constituted a club with shared rules and goals:

It's a bit like a golf club where you chip in for shared equipment and so on but there's also criteria for exclusion and alcohol and hunting is often one of those criteria.

The ability to talk about the issue with peers was seen by one respondent as crucial, rather than enforce an outright exclusion. *A lot of people have these problems... you just have to be honest about it.* Enlisting peer support, such as by harnessing the anger of the whole team, or subjecting the drunk hunter to public scolding, possessed a strong normative punitive effect that made offenders think twice about their transgression. On this view, discretions could be dealt with in a shared manner at hunting meetings. *It might be the hunting leader in the field first, one respondent considered, but if it becomes a repeated offense you might need the hunting team to jointly reach a decision.*

Although such collective moral judgment has been taken as a preferable form of social control that decreases the chance of social exclusion by taking place openly (as in Gezelius, 2002), several respondents also saw this as a private matter and expressed aversion to instituting an unnecessarily public scolding. They argued: *We have a good hunting leader who takes care of it in in a discreet way, so not in front of everyone.* Others likewise expressed aversion to hunting leaders who yelled and publicly chastised their members.

That the hunting leader gives you a ribbing is something that's very bad and public.

You don't have to do it in front of the whole group, there's no reason for that.

Hunters sometimes instated more anonymous mechanisms for ensuring compliance. One said that some hunters he knew use random alcohol tests in the morning. It was not motivated by suspicion, he suggested, but had prescriptive value in making clear alcohol was prohibited so that it was known: *If you take that chance then, you're done.* Another respondent told of a similar approach of de-personalising it through clear repetition in no uncertain terms. He recalled when hunting moose in the north, the hunting leader would go through the rules at the start of every hunt, including the strict prohibition on alcohol. *It can get a bit old when you've done it 37 times. Because it's basically the same thing every year, but...*

One respondent indicated traditions and customs around alcohol varied considerably across Sweden. *I think it really depends on what context you're in and which hunters you associate with. Most hunting teams are quite good with this.* He had experienced the zero tolerance policy whereby *you smell like alcohol, you go home. It's unacceptable,* but also noted *I can be a member of a hunting team elsewhere where they go let's get a little [hutt]*

this morning, like 2 cl Jägermeister and everyone drinks it and spends five hours hunting and it's a non-issue. The difference, he argued, was *you don't show up drunk. That's not acceptable. Then you get sent home. I've seen that happen.* As such, there was a social and an anti-social character to drinking that mediated its relative acceptance. Indeed, the transgression of drinking itself was seen as both social, constituting a betrayal of one's peers by putting them and their dogs in danger, and an ethical violation by increasing the risk of wounding wild animals with poorly aimed shots or an excess of bravado. But it was never brought to the authorities:

It's a bit like when you notice someone gets sloppy with their bullets, of course you broach the issue then and there, you don't report it to the authorities. It's not a police matter to me. It's a self-preservation thing.

9.5 Shooting the Wrong Animal

Shooting the wrong animal on the quota was a frequently sanctioned practice. On the one hand, it could be taken as collective/capital punishment since *it's obvious then we'll get a smaller quota the following year.* Another affirmed there was a safety net in the form of moose management areas, turning it into an administrative issue rather than a legal one: *If there's any over-shooting in the team it's often covered by a pot within the MMA and so it's usually resolved locally.* The same respondent nevertheless suggested fines could befall the shooter and so affect the individual offender more severely because although not illegal, it was seen as immoral. Others indicated a sensitive issue pertaining to overshooting on the quota for moose, given hunters already felt moose quotas were set too high by the MMAs. As such, the MMAs may be said to represent an intervention whose indiscriminating ethic to moose harvests in fact erodes social norms and taboos hunters have established around over- or misharvest of certain moose (a phenomenon observed by St John *et al.*, 2010). To this end, these taboos were still sanctioned by hunters in teams:

If you've shot an additional moose than what was on the quota, then that shooter has had to resume responsibility for it himself.

Reflecting on a transgression over shooting a bull with too many points, a respondent recalled *We had fines as sanctions so I had to pay 500 SEK in penalty.* In terms of shooting the wrong species during a hunt, however, for example shooting a bear during the moose hunt, this was seen as a form of illegal hunting. Rauset *et al.* (2016) recently showed sanctioning of this kind of transgression occurs in northern Sweden. Indeed, hunters in this study generally expressed a zero tolerance toward this faux pas.

But even shooting the wrong type of animal within the huntable species was frowned upon: *If someone shoots the wrong animal, like a big bull when there's only calves left on the quota, then it's up to the hunting leader to maybe exclude the offender from the team.* Another argued you simply had to pack up and go home in that event, such as shooting a ten-point buck when all that was left were heifers. *You're no longer welcome.*

A respondent who had experience of hunting moose in very large teams of diverse hunters, up to 55 people, reflected on the challenges of enforcing propriety. *It's pretty strictly regulated by necessity,* he explained. *If you shoot a heifer moose when we've agreed we only shoot bulls or calves, for example. Even if there was game left on the license and it wasn't a crime in the legal sense, it was a violation of the hunting team's own rules.* Whether such a violation was seen as more or less severe as a legal infraction was likely contingent on the ethical repercussions of the offense, but on the whole, respondents expressed transgressions in terms of their impacts on the team, the animals and the environment rather than on the regulatory authority.

If there's a cow with two calves you sure don't shoot the cow, do you? That's just how it is. It's not sustainable. Animal populations decline.

This finding is important, as it demonstrates Swedish hunters' relative selectiveness of targets and propensity to forego temptations to harvest large trophy animals or rarities in favour of sustainable outtakes that do not upset population dynamics (compared with, for example, hunters in contemporary Russia studied by Braden, 2015). To do so, moreover, was a social and ecological faux pas of considerable proportions. We recall such taboos around wildlife harvests can have important conservation impacts (St John *et al.*, 2010). Hunters recited the gravity of the taboo thusly:

It happens that they don't respect the hunting leader's rules and order. Then they've had to pack up and go home.

It goes back to a lack of respect to the team. [...] the most common occurrence is shooting the wrong animal on the quota.

One person, a respondent recalled, was excluded on the grounds of failing to adhere to the team's rules at that time – even if he was legally in the right:

They would traditionally end the hunts early in the days. But he was keen to let his dog get the training. Oh, he 'didn't know' the hunt had been called to stop. There was no legal offense. The licenses were good. [...] he just had an ethic of wanting to follow a hunt through to its end. He was excluded.

[Exclusions] have happened a few times. You need to be prepared to adhere to those rules, formats and customs of the hunting team.

Violations of the hunting team's customs were frequently met by feelings of shame and the loss of respect from your peers. The transgression more often than not involved having to give up the trophy and meat, *they'll just hang [the antlers] at the butcher's.*

I had a friend who shot a heifer thinking it was calf [...] he is really legitimately sorry for it. He's not the type to fire at random [...] you feel such shame.

Rather than result in an outright exclusion, one respondent suggested the 'social punishment' would be enough, taking the form of *eroding his social status*. Another respondent suggested ancient history transgressions over shooting the wrong animal, perhaps on the wrong land, could create social resentment that would simmer for generations.

Honest mistakes, however, were chastised less severely and arguably comprised the bulk of transgressions as relayed by respondents. *I'd never punish someone for it*, a hunting leader said, *It's all too easy to relate to yourself and how you would have acted in that situation*. On this view, a few respondents owned up to accidentally shooting the wrong animal. One respondent described the predicament in the following terms:

So you've waited all day. Maybe you've waited all autumn and several years. Because the nature of moose hunting is such that you might sit there for hours on end without anything happening. Then something finally does happen, and it's over within less than a minute. It can be difficult to decide sometimes. [Hunters] often think 'if I don't shoot this, the next shooter will'.

The respondent admitted to having experienced this himself:

We had one of those rules, it was maybe 15-20 years ago, where the hunting had been lousy all autumn and I shot a ten-point buck in blind courage. I knew it wasn't allowed without our team. But that's what happened.

Others expressed similar solidarity with such offenses.

There's not a single person with a driver's license who doesn't occasionally speed.

Everyone has an accident or mistake at some point. It happens to all of us. I shot pheasant hens [...] which weren't legal [...] 10-12 pheasants flew into the air, I was going to shoot the male but I wasn't close enough and I got a hen instead. This was in my youth.

Of reckless shooting, respondents argued:

He just has to make sure it won't happen again. [...] so, think next time. As I always say, the shot that you don't fire is one you never have to regret.

There's a pretty big understanding among all hunters who have hunted a lot for the fact that everyone will fire off stupid shots at times. There's no law against shooting poorly.

You maybe just talk about it first. You say this wasn't great. Don't do this again. They might get a little reminder they've done wrong, in a good way.

Although fines could still be issued, no one raised much of a fuss until such a point where one's bad luck became suspiciously *chronic*. One respondent cautioned about too much of condoning bad luck and having all too forgiving attitudes toward accidental offenses:

You just expand the grey area in these cases. I think we have rules for a reason. Even if it was a mistake, I'm sorry but that's how it goes. Now we'll get the police.

When asked what it would take to report someone to the police, respondents had the following responses.

Well then it should be a serious crime.

He provided the example of putting one's rifle down and it accidentally going off into the tree canopy.

I really don't think he'll feel any better if you report him to the police. I don't think it helps him to lose his licenses. Instead he'll have to own up to it with us and I'll tell him to get a grip.

Another likewise agreed that *it would take a whole lot before you report a fellow hunting mate. It would have to be a severe offense.*

9.6 Reporting A Fellow Hunter to the Police

Inasmuch as hunting constitutes a sovereign jurisdiction that takes care of its own, this dimension was strong but not definitive when it came to reporting hunting misconduct to the police authority. Hunters were prone to *solve problems as they arise in the team*. Reporting was rarely, if ever, someone's first choice of sanction, because the subculture was marked by a degree of

loyalty to members and a distrust of outsiders that was paradoxically not dissimilar to the occupational subculture of the police itself (Long *et al.*, 2013).

There's almost the norm here that, much like within the police authority, you stick together. To report a fellow friend [...] that would have to be for something really bad.

It's first resolved within the team. They can a chance to clean their act up, you know. But if things are repeated you'll have to get at them harder.

I'd be reluctant to report anything, seeing as you're not always sure if it's illegal or not. I mean, you need to be very certain it's illegal in order to press charges.

It depends on the severity I guess. It's a bit like [...] if someone fiddles with the gun cartridges when you've gathered you just raise that issue then and there. You don't report it to the police.

[Hunting] things are not police matters in my opinion.

With some, this code was sufficiently strong that one noted that although one might disagree with the violations, such as illegally shooting a wolf, they *probably wouldn't tell on him*. Social camaraderie was generally strong in hunting teams in a way that discouraged involving law enforcement (as in Eliason, 1999), but kin-based teams were affected by a code silence to an even greater degree: A respondent suggested:

There's a different moral at play. I mean, I would never report my brother to the police for shooting a lynx up here in the mountain. I would never do that. [...] someone who's close to you, someone in the hunting team doing the shooting, I really don't know what I would do in that situation.

Where there was no love lost or no close connection between hunters and one of them committed repeat offenses, reporting them to the police was considerably more acceptable. Indeed, suspending the code of silence was often associated with coming upon economically motivated hunting crimes, which respondents generally found immoral and in need of reporting. This may spring from the fact they were seen to fall outside of the boundaries of the shared normative culture of hunters around jägarmässighet.

If you don't know who did it, of course you'd report it to the police straight away.

They run restaurants and always bring processed food, bread, whole courses, we've even found fried steaks on these baiting sites. They are also placed near the border. The standard is a baiting site should not be closer than 200 m from

your neighbour. They release their dogs on our land and try to drive the game onto theirs [...] they've threatened us with murder. I've told them we're going to report them to the police.

Right now we're trying to get one of our neighbours caught. They go in on our land. So now, if we find they have their weapons with them in their backseat we'll report them. It's become an issue. As soon as we're here and hunt they're trespassing on our land.

This neighbour had been trouble to hunters who had leased that land in the past, and now there was little faith in resolving things informally. The particular area was seen as one in which it was *easy to get away* and necessitated informed policing efforts. Animosity between neighbouring hunters was sometimes emphasised as a real problem, which could result in police reports one way or another. This is not an uncommon finding in hunting communities, as private feuds lead to higher reporting (see also Okihiro, 1997).

I've got friends who have been reported for shooting on another's land.

Another respondent recalled pressing charges against a landowner who did not want to collaborate or coordinate with the rest of the viltvårdsområde:

He called up our hunting leader during the last day of the hunt and told him he'd shot a moose for himself on his land. We reported him.

Three respondents recalled hunters – themselves or their peers – reporting themselves to the police when they had (accidentally) shot the wrong animal on the quota. *It was the very obvious thing to do*, one hunter recalled when others in his team had owned up to the transgression, *but it still surprised me a little*. He added:

We've reported ourselves because we shot a deer with too many points according to the rules. The shooter resolved the issue himself, 'I've done a wrong', the thing has to be taken to the police [...] I feel good about being in an association where the morale is so high.

Others affirmed that those who self-reported were generally people of *high morals and ethics in hunting issues*. An older hunter, however, recalled his hunting mate insisted they would report themselves to the police over a calf not on the quota, which he had found '*annoyingly honest*' but had ultimately gone along with. *He's so damned honest you can't reason with him. So we had to pay 5000 SEK for that bloody thing*. A respondent recalled a fellow hunting mate who was a police officer who accidentally shot a buck when he thought

he was aiming for a heifer, the agreed upon quarry within the hunting team. *He had to report it [...] it wasn't too popular.*

A hunter leader reflected on a dilemma of having to report a novice young hunter to the police who had been all too keen to shoot in the hopes of felling a buck. When the respondent made his way to his position where he had reported the animal going down he had realised it was a red deer, which is not legal. The severity of shooting an entirely different species during a hunt for another animal, as we will recall, was considerable and prompted a reaction:

There's also a license for having to shoot red deer. So what do I do? I can't close my eyes to this. The only thing I could do was report it. So the police came and conducted an investigation. They confiscated the quarry.

But this was frequently a difficult decision, even if it was the right one. But peer loyalty could result in virtuous effects as well. One respondent, for example, recalled a practice of solidarity as a youngster where the three of them had shot heifers instead of calves:

It was fine as long as they were still on the licenses. Then we hit the third one and it was a lot less fine. The shooter got called to court and got a fine. But we all split the fine the three of us, we figured we were all as guilty [...] we reported ourselves.

Although the sanctioning system of hunters may have lacked the more rigorous characteristics of fully alternative legal systems by proceeding sometimes arbitrarily, its presence may yet be understood as a political institution. This is so, according to Lauth (2000) because while they cannot be classified as any part of the official political system, they do rival the state's monopoly for power around penalisation and punishment. In so doing, such a system forms in partial opposition to the state, particularly where transgressions which are not illegal but immoral. Frontier justice could be meted out for wrong-doings, either because formal enforcement was weak, absent or deemed too severe.

10 Wildlife Perceptions and Representations

The following theme apprehends respondents' attitudes and reflections on large carnivores, and in particular, the wolf. Previous research on the wolf conflict in Sweden often proceeds with such attitudes as an analytical point of entry (e.g. Gangaas *et al.*, 2014; Figari & Skogen, 2011; Skogen & Thrane, 2007; Ericsson & Heberlein, 2003; Peterson, 1995). Although valuable, this research operates on the rationale that while competing values over the materiality of the conflict (e.g. wolves) matter, the premises around wolves are equally if not more important from the point of view of a successful management regime.

With this in mind, the aim of this theme is to disentangle attitudes toward the wolf from attitudes toward wolf *management*. But it also concedes hunters' attribution of some species-specific essentialist characteristics to the wolf that may suggest a more deep-seated, and perhaps even justified, aversion toward the species that cannot be reduced to disagreement over the premises for how it is managed or how well they receive uptake of their concerns in policy. The following four sub-themes are presented: 10.1 Domestication of Large Carnivores, 10.2. Rules for Co-Existence, 10.3. Attribution of Essentialist Characteristics and 10.4 Positive Attitudes from Stewardship. Collectively, they tell of hunters' complex and often ambivalent relationship with the wolf and how attitudes are contingent on things like the perceived dispositional wildness of the wolf, how it moves in the landscape, and the extent to which hunters are allowed to manage it as a game species. A significant and recurring finding here is in hunters' ambivalence and occasional awe for large carnivores, and a willingness to accommodate these animals in certain forms in the Swedish fauna.

While there were animals who were held to have no place whatsoever in present Sweden – including the raccoon dog (*I don't give a shit if they're cute – I want them gone* as one promptly declared after I had lovingly cooed over its appearance; and *escaped fur animals* as another said, advocating shooting them

all) – respondents displayed some support for restoring species to their natural habitats. This meant, however, that they had to be subject to the same pressures from human hunters that this habitat had historically entailed, including the option of hunters culling their numbers to prevent them from venturing too close to human settlements and losing their fear of humans. But if this were possible, many were cautiously optimistic toward large carnivores.

10.1 State Domestication of Large Carnivores

One striking finding was that with the perceived colonisation of wildlife management and hunting issues by remote authorities, protected species were increasingly viewed as animals of the state, or pet animals of ENGOs because of sustained investment and public support behind their conservation (Ojalammii & Blomley, 2015). Nevertheless, even when notions of hunters' ownership of wildlife were strong, one sometimes conceded a difference when it came to protected wildlife in that this necessitated some form of supranational oversight beyond the local landowners. As such, this was a public good in a different, or more contested way than local rabbits and foxes.

A respondent likewise asserted the wolf was common-owned because it was transient and boundary-crossing: *It's not just my land. It's Sweden's wolf in a way.* These observations stood out as lucid reflections on the complex situation, while several other respondents drew sharp lines between the hunting community's jurisdiction of wildlife and the state's domain. As one hunter contended above, *EU crows* (derogatory for ravens) were seen as state property, and the wolf was frequently painted as an animal of the state that needed to be kept out of rural landscapes, as opposed to something that was co-owned by all. This much has been demonstrated to apply for wolves across Europe, with Vitali (2014, p. 581) arguing the wolf's protected status implies to many "ownership of the state, causing the animal to become entangled with notions of public authority and with resentment toward public institutions."

As Peluso (1992, p. 14) observes of Thompson's (1975) work on wildlife crime, "sometimes the rage felt by people deprived of resource access derived not from the denial itself but from the reassignment of access to others whose claims are considered invalid." On this view, wildlife has increasingly been reassigned to urban custodians or the state at large, and dislodged from hunters' possession (Bogliogli, 2009). Respondents in this study likewise agreed on the transfer of the wolf's status from free to state, almost signalling a move from the sovereign to the domestic (see Donaldson & Kymlicka, 2011):

The state has decided how it's to be managed.

The wolf's not a hunting issue if you ask me. It's a societal issue.

The interpretation may have been especially disconcerting to hunters because state ownership of wolves also meant a certain societal responsibility to provide food for it. This was seen to impart restrictions on hunting practices where ungulates were concerned, as these could be re-envisioned as the wolf's feed. What can now often be heard within counterpublic ranks is the allegation that state responsibility for what was essentially a state-owned animal meant that authorities ought to be obligated to keep *their* animals enclosed or leashed same as expected of livestock farmers and hunters. After all, some contended, if a wolf strays into a fenced off livestock pen, it is the state's animal that has transgressed, and not the sheep in the pen.

When it was not seen as the state's pet animal, it was viewed as the pets of ENGOs and animal rights activists who were hopelessly indulged with specific diets and accommodating lifestyles. *It's just incredible, it's their little pets.* Finnish hunters, for example, have been greatly angered by giving names to wolves (Bisi & Kurki, 2008b), though respondents in this study referred to some wolves that had been notorious in their respective regions by name – like Ylva in Värmland who had a propensity for mating with male dogs in her time. As part of EU's 2015 fitness check of the Habitats Directive, it is interesting to note the Commission noted larger biodiversity goals were sometimes constrained in practice by a tendency to individualise protected animals. It states that in some member states, one has pursued “an overly risk-averse approach to dealing with impacts on some protected species, such that the focus is on individuals rather than maintaining the conservation status of the population concerned” (European Commission on Environment, 2015, p. 15). Hence, there may be some truth to hunters' charge of sentimentality associated with ENGOs and agencies coddling individual wolves.

The more they were coddled, the further away wolves moved from wildness and further into the clutches of an urban conservationist crowd. It was a trajectory that undermined hunters' sense of ownership and hence responsibility toward wolves. This much has constituted a historical justification for poaching, with communities noting the legal absurdity in the state regulating or outright enclosing wild animals, who were per definition *ferae naturae* that belonged to no one and could not be thus possessed (Manning, 1993). But to this end, they belonged to the hunter as soon as he had killed it, as one respondent also pointed out. Property and ownership thinking thus continued to inform motivation for wildlife responsibility.

10.2 Breached Rules for Co-Existence

It is sometimes argued that in any shared interspecies community, peaceful co-existence is contingent on enacting a series of principles that regulate the interaction between species (Donaldson & Kymlicka, 2011). These articulate certain expectations regarding rules for cross-border conflicts, behaviour and rights violations. The rules are informal and tacit only, as animals cannot consent to entering anything resembling a social contract (Garner, 2013). Hence it would be unjust to hold wild animals accountable for violations of a contract that humans have unilaterally scripted, such as condemning a wolf venturing into a village and killing domestic dogs for overstepping the terms of fair interaction. Nevertheless, respondents affirmed what is now a common finding: that we do impose expectations for behaviour on wild animals with which we co-exist (Ojalampi & Blomley, 2015). These frequently point to implicit standards expected of wildlife. When a moose routinely strays into a town and terrorises people in their gardens, for example, it is generally accepted it be culled because it violates an unspoken rule about territoriality.

Respondents articulated a series of such rules where wolves were concerned. These were taken-for-granted codes for fairness of interaction between our two species. As such, much of the aversion to wolves and large carnivores generally stemmed from perceived breaches of rules for interaction rather than any foreordained hatred toward the animal itself. This is similar to the findings by Ojalampi and Blomley (2015) over the ‘yard wolf’ in Finland, who becomes designated as out of place when he trespasses. Aversion also stemmed from abnormalities, in that wolves with pathologically learned behaviours, genetic defects, disease conditions or hybrid DNA were the primary culprits. This is sometimes criticised for imparting a moral element to wolves and for dismissing their threat in apolitical ecological explanations; they are inherently good and their attacks are the result of abnormalities (Hermans, 2015). It is interesting to note that hunters in this study largely reproduced this elite wolf ecology discourse that sought to locate the fault of wolves in external factors or pathologies. Whether this reflected a genuine belief on their part, the adoption of a false consciousness (reifying the legitimacy of the scientific discourse) or merely an attempt to show they could elevate the wolf discussion to a higher critical level, is difficult to surmise.

A recurring argument was premised on the representation that large carnivores should first and foremost be extremely shy of humans, and that the present situation around their absolute protection had bereaved them of their dispositional wildness in a way that was not conducive to future co-existence. *He shouldn't stalk around the village. He should be leaving as soon as he*

catches the scent of a human being, one respondent said of wolves. Others suggested:

They just get too close now. They're in our gardens.

The real danger is that it acclimatises to the idea it can be everywhere and anywhere and we can't have that.

It's so wrong [of wolves near villages]. It should be in the forest if anywhere.

Because it's not hunted, it has to learn somehow that humans mean threats.

Wolves that lose their shyness must be removed. I think it's a terrible situation as it is now we don't hunt them. If we're to have wolves, and there could be a lot of them as far as I'm concerned, they have to be shy of humans.

The wildness of the wolf has constituted a tremendously debated topic in recent years, with the argument that as one of the most managed species in Scandinavia today, the wolf may have lost its wildness (Palmer, 2010; Tønnessen, 2010a; Beach, 2004). Much research affirms that the wolf's transgression of space, or breaching of the social order or moral economy, directly undermines people's acceptance (Arts *et al.*, 2016; Masius & Sprenger, 2015). In Finland, allegations of the domesticated yard wolf reflect an increasing fear of wolves losing their shyness of humans, approaching houses, pets and children (see Hiedanpää *et al.*, 2016; Ojalampi & Blomley, 2015).

Despite reservations around the present situation with wolves, some respondents were cautiously positive toward the existence of the wolf in the first place. These were however not generally the respondents in the most wolf-dense regions like Dalarna and Värmland.

It actually brings me joy they've come back to the extent they have. I think they have a right to be here.

It has a right of domicile here in Sweden. It's pretty cool, yeah, I'd call it cool.

It's definitely not the animal in itself, one respondent replied when asked to what he objected in the current management scheme. Within this, he recited the attempt to break down the polarisation and stereotype around hunters as killers:

I mean, it's an animal like any other. It's like people have got it in their heads that all hunters are all about shooting animals, and that we're not animal friends. But it's just the opposite.

[The wolf] is a very beautiful animal. It's been in this country since we first got here. It should stay, but we must have the right to regulate it.

They are pretty magnificent creatures.

Like a lot of animals, they're pretty to look at.

It belongs to our fauna. We shouldn't exterminate it. We're not the almighty father himself.

They are rare, so of course the wolf is an interesting animal. But it's still a problem.

I think the wolf should remain in our fauna because it's a natural part of it, just like the rabbit and the deer. Actually, both the deer and the field rabbit are implanted species so maybe we shouldn't talk about this.

He added the caveat repeated by the vast majority of respondents, namely:

I think these carnivores, at the same time as they give you pleasure by existing and constitute a natural part of our fauna, need to be hunted to be kept at a reasonable level.

Within this, the wolf was subject to two contradictory characterisations. First, that it was a more or less innocent victim of zealous ENGO handlers. This perspective made some respondents feel sympathy toward the illegally hunted wolf: *The wolf hasn't done anything to them. It's done nothing wrong.* Hence, those illegal hunters who used particularly violent or cruel methods of killing – including the use of snowmobiles and clubs – were in the wrong inasmuch as they targeted an innocent animal rather than the moral agent and culprit behind it. Indeed, the literature generally connects such methods to poachers who derive some sort of thrill from the offense, which causes it to lose social legitimacy among peers in the hunting community (Muth & Bowe, 1998).

10.3 Attribution of Essentialist Characteristics

A minority of respondents nonetheless displayed some aversion to what appeared as the essentialist characteristics of the wolf itself, or toward those “basic ecological inter-specific interactions” that were associated with the wolf historically (Mykrä *et al.*, 2015, p. 322). It can be noted that these were mainly older hunters, who perhaps were more steeped in the cultural legacy of aversion to the wolf. Within this, the wolf's excessive cruelty and thrill-killing were highlighted, as has been a recurring charge levelled by hunters to undermine the wolf as an animal worthy of compassion (Mulder, 2014; Tønnessen, 2010b). Not only did it kill for sustenance, but it would maim all fifty sheep in a pen. It would not eat domestic dogs, but merely kill it for

territorial reasons. *It's a bloody cruel animal* one respondent argued, recalling a clip he had seen of a wolf severing the spine of a moose which lay alive as he ate it. Although he quickly remembered it had in fact been a bear, he noted *those animals are horrible. The wolf is the same*. Historically, it can be noted that there has often been much conflation between wolves and “any aggressive wild beast” (Dirke, 2015, p. 111), where both members of the public and the media signified attacks as wolves.

A less extreme opinion was expressed by those who suggested the wolf's reputation as a ferocious predator was not for naught, even if it was not an intrinsically evil animal you could reasonably hate: *They've also been exterminated for a reason*, he said soberly. This view was repeated by several others, in what may have read as an attempt for historical precedence to legitimate cultural practices (Moriarty & Woods, 1997; Bateson, 1989).

I don't believe it's a coincidence that we once exterminated the wolf.

Our ancestors knew what they were doing 150 years ago.

Just shoot it. We've lived without the wolf before, we can do it again.

Insofar as the wolf was objected to on the basis of its wasteful thrill-killing, it might be anticipated that the lynx, another large carnivore subject to EU protection, would be equally if not more condemned on the same score. Indeed, this feline was reported to disrespectfully *toy* with its prey. It is also a carnivore that makes notoriously poor use of meat, preferring only fresh kills (Sikku, 2004).¹⁰ Yet it is also partly revered in the Nordic countries as a “natural relic” (Mykrä *et al.*, 2015, p. 330). Attitudes toward bears, lynx and wolverines have always been more positive than those toward the wolf (Kaltenborn & Brainerd, 2016), despite high predation by lynx.

One respondent suggested the lynx constituted *a fiendish hunter [...] not a lot of hunters like cats, I don't*. But he expressed admiration for its prowess and proposed the theory that *the cat's a way better hunter than I am. So there's a bit of competition there*. Respondents frequently expressed more profound respect for the lynx, largely attributed to aesthetic reasons on the one hand, and the fact license hunts were granted on the other hand.

There is nothing more beautiful than a lynx in a snowy forest. They should be here but not in these huge populations to the detriment of everything else.

¹⁰ It can be noted that of all the large carnivores, the wolverine is the only species that can make use of frozen meat and so can return to scavenge on carcasses previously killed.

Meetings with lynxes were not as fear-inspiring or unsettling as coming upon a wolf.

It's a great animal. I think they're so cool. They should be here. Beautiful to look at. I've never hunted it. They're very curious, so I've come upon them several times. They'll lie perched on cliff tops and you can see them looking up like that [...] it's a cool animal. They look kind of funny too.

I was out skiing and a lynx jumped down right in front of me. It was perched in a pine and leaped in front of the ski tracks. I thought 'what the hell is this gigantic light dirty cat'? It was a lynx.

Even with hunters' attachment to their dogs, the lynx's attacks were not met with the same hatred as a wolf attacking dogs. When asked if he had changed his relatively positive attitude toward lynx after his dog had been attacked by one a few weeks back (as he relayed earlier in the interview), a hunter dismissed it as *no, there must have been something wrong with that particular lynx*. This forgiving attitude was not generally extended to the wolf's attacks. However, the more the respondents talked about wolf management, the clearer it became that they were not fundamentally opposed to the wolf's reintroduction to Sweden. A Värmland hunter, who spoke of the continuous worry hunters in his area now lived with over wolf co-existence, for example declared that *I think if you ask 10 people, 9 of them will for sure say there is place for some wolf*. This finding was confirmed in nearly all interviews I conducted, suggesting that although the wolf had some unfortunate essentialist characteristics working against it, it was in itself not the core issue of the problem – management around it was.

10.4 Positive Attitudes from Stewardship and Culling

Without venturing into ethnographic detail about hunters' relationships with animals, there was a clear correlation between the ability to control, manage or steward large carnivores and hunters' appreciation for it. Being a huntable species, moreover, fed into hunters' self-identified higher stewardship for animals they saw themselves as affecting (Treves & Karanth, 2003). It can be noted here that stewardship implies action on the part of the hunter, where acceptance entails passivity (Bruskotter & Fulton, 2012) less reconcilable with Swedish hunters' relationship with wildlife. As such, the idea of a proactive cull at the hands of hunters has been taken as exerting a powerful effect of "deflating ill will" and giving hunters back a sense of their lost autonomy (Stöhr & Coimbra, 2013, p. 7).

Indeed, the accommodation argument is now defended on the rationale that it demystifies the animals and increases acceptance among rural communities (Hagstedt & Korsell, 2012). This is why, for instance, the US Fish and Wildlife Service, the IUCN and the EU commission are cautiously positive in their formulations toward the role of controlled, limited and legal measures used to control wolf populations to increase long-term tolerance for wolves among hunters and farmers. But as also contended, recent research questions this link and suggests declining tolerance may follow the legalisation of wolf hunts (Chapron & Treves, 2016). This is so, on Chapron and Treves' (2016) words, because the legal opening provided by a source of morality (the state) sends a negative message about the value of the wolf. This interpretation may be predicated on public authorities communicating moral imperatives through legislation and the outlawing of animal harm (Nurse, 2013).

Examining the reflections here seems to suggest other reasons that can explain why legal wolf culls do not have the desired effect of increasing tolerance: for one, the quality of wolf hunts may be as important as the policy signal in the first place. Clearly, non-selective culls will not get at the problematic wolves. Hermans (2015, p. 271) declares that despite the need for wolves “to be taught fear and kept afraid” through hunting “random culling is an unacceptable solution for remedying concerns of conservation and justice.”

In this respondent sample, hunters observed that several hunts were *just for show* and *not making a dent* because in addition to their random targeting of wolves in the cull, too few were permitted on the quota to induce any meaningful change in the situation. Swedish hunters in Dalarna now conscientiously refuse to participate in legal wolf kills such as for protective hunting of select wolves should such permits be granted – unless *all* wolves in the territory can be hunted (Liljenström, 2015). A similar line of critique is regularly voiced by hunters and ranchers in the US, who view the modest outtakes of legal wolf hunts akin to “peeing in the ocean” (Mulder, 2014, p. 50). To this extent, based on the findings presented in chapter 8, when legal wolf culls become synonymous with the bare minimum outtake and with protracted litigation to the point where they often do not receive a green light until it is all but too late in the season, they may represent more a source of frustration than anything else to hunters.

There are clearly more issues facing the viability of license hunts as a way forward toward positive attitudes on the species. First is the poorly-prepared targeting of wolves, sparing transgressive wolves and shooting naturally evasive wolves (Treves & Karanth, 2003). Second, despite claims of custom, the wolf would in fact constitute a new huntable species in the lifetimes of those hunters who volunteer for the cull. Indeed, it is difficult to claim any

actual cultural continuity for wolf hunting despite an admittedly long cultural history of either state-compensated or even legally mandated poisoning, trapping, persecuting and killing of wolves (Nyrén, 2012; Tillhagen, 1987).¹¹ The implication of this is that wolves confront hunters as a new game species with little practical experience and wisdom pertaining to its hunting. As respondents contend, wolf hunts are therefore difficult and knowledge is scarce. While training has been offered for the few license hunts permitted (Sjölander-Lindqvist *et al.*, 2010), there is arguably a tendency among Swedish hunters to struggle to find their ethical footing in new game hunting practices.

Although categorically protected wildlife was still permitted to have a place in the fauna – largely due to precedent – the wolf was difficult for hunters to embrace as an animal over which they exercised a sense of ownership and responsibility. As we will see in chapter 11, dog attacks by wolves also contributed to negative perceptions and emotional responses concerning wolves. Indeed, the finding from Norway that nearly half of all attacks on dogs take place on house yards as opposed to the forest (Peltola & Heikkilä, 2015) may impart sense of powerlessness on the part of dog owners and corresponding resentment toward the wolf for clearly transgressing its boundaries. In Peltola and Heikkilä's investigation on wolf attacks on domestic dogs, only about one in every fourth dog survives wolf attacks, and the fear of losing your pet functioned as a socially contagious feeding into negative perceptions, even hate, toward the wolf. It also contributed to a feeling that it was the state's wolf, the pet animal of ENGOs, and one that had been mishandled by its handlers and gone feral. Such prejudices may be understood as holding functional significance to those who perpetuated them, particularly in scapegoating it for socio-economic problems (Jacobs & Potter, 2000).

In summary, I can state that any unbridled hatred for contentious wildlife species was extremely uncommon across the selection of respondents in this research. This much becomes important to establish, because it supports the notion that opposition toward conservation policy may be rooted less in seething aversions to particular species and more in the premises, processes and authors behind their present policy-making. Indeed, as observed by the Fish, Wildlife and Parks agency in the US, “wolf management has nothing to do with wolves” (Mulder, 2014, p. 15). Equally, wolf management has been seen as a purely political issue in Europe (Vitali, 2014).

Indeed, it has even been suggested social factors in large carnivore conflicts detach from and operate independently from animals (Lüchtrath & Schraml, 2015). For instance, it is suggested that the animals have merely stumbled onto

¹¹ Even to the point where hunting crimes constituted those hunters who refused to participate in village hunts for wolves.

an arena of past conflicts and become emblematic of these (Ghosal *et al.*, 2015; von Essen *et al.*, 2015b); indeed a symbol of urbanity (Skogen & Thrane, 2007; Ericsson & Heberlein, 2003) or of a global biosecurity paradigm; that they in themselves are not parties to human-wildlife conflicts but that people's perceptions is about the threat of wildlife to values like health, safety and culture (Peterson *et al.*, 2010), or that social, political, economic or even personal tensions are merely lived out in the theatre of wildlife (Peluso, 1992). The animals have been replaced with a set of political metaphors because of their associations with human struggles. In Brownlow's (2000, p. 146) words, they become the "embodiment of a conservation discourse perceived as unyielding and relentless, promoted by an urban-based agenda considered elitist, illegitimate, hegemonic and exclusionary."

This much seems to apply in the Swedish and Norwegian cases, where it is now argued negative attitudes toward wolves are primarily rooted in injustices over issue of power and representation in policy-making around the animal (Lundmark & Matti, 2015; Skogen *et al.*, 2013). It can be noted the wolf's association with the power of the state to subordinate lower classes has an underacknowledged historical precedence also in Sweden, where wolf state-initiated wolf battues compelling the participation of peasants once functioned as "a useful way of controlling, and subordinating peasants" (Bergström *et al.*, 2015, p. 66). Yesteryear's wolf extermination campaigns and today's wolf conservation campaigns, therefore, can both be seen as "a method of exercising power over people" (*ibid.*, p. 66), using wildlife law.

11 On Illegal Hunting

In this seminal theme, respondents talk about non-lawful forms of hunting. Respondents' views illuminates a spectrum of acceptable versus condemnable illegal hunting in the sub-themes 11.1. The Olden Days of Poaching, 11.2. Swedish Customs around Law-Abidingness, 11.3 The Rhetoric of Illegal Hunting, 11.4. Categorically Condemnable Illegal Hunting and 11.5. Sympathy and Condoning of Illegal Hunting. By presenting these, this theme aims to determine vectors for illegal hunting and factors mediating its relative acceptability, but also to ascertain hunters' rather limited tolerance for any illegal hunting that was cruel, selfishly motivated, undertaken for commercial gain or that painted the hunting collective in a negative light. Although this was most forms of illegal hunting to respondents, especially at the beginning of the interview, extenuating circumstances gradually rose to the surface to mediate the acceptability of certain forms of illegal hunting. Predictably, many pertained to suffering injustice at the hands of the state.

11.1 The Olden Days of Poaching

Respondents indicated past generations had a different relationship with certain forms of illegal hunting. Rather than criminally-minded, they were seen to be a product of their time. Respondents reminisced about elder relatives and mentors having provided them with a way into hunting – either as a shooter or as a bystander – that told of standards that would not be permissible today. *I am technically guilty of illegal hunting*, one respondent recalled as his father would bring him along to shoot when he was not of age:

Back then I didn't see anything unethical about it. I don't really see it as objectionable now either but I would also never do it with my own kids [...] I grew up with my dad's ethic and he started hunting in the 1930s. He'd bring his rifle with him to school. He'd shoot a squirrel on the way.

Another said:

My great-grandfather, or great-great-grandfather even, he didn't even have a weapons license back then. He had no hunting land to his name. Although he owned some land he wasn't allowed to hunt there according to the law. But his walls are full of trophies.

Respondents often connected this to hunting game for subsistence, which was less objectionable as it denoted a hunt borne out of varying degrees of necessity. It may also tie to a more prosaic notion of food as a morally innocent good not contaminated by greed and excess, even in cases where one was not *de facto* starving (Gezelius, 2004):

The freezer was empty...there was plenty of moose [...] I mean sure it's illegal hunting or whatever you want to call it. But at the same time they did it in a classy way. They felled their animal, butchered it neatly and ate the thing."

In these areas people needed to survive. So I can imagine they had their own set of rules. And everyone followed a rule, but it was their own sovereign law.

Such poaching was, if not a public matter, then socially sustained through the tacit approval of the local community.

It's perfectly logical when you remember how my dad and my grandfather grew up. Poaching was something that was known to all. Everyone knew who did it.

Older relatives when I was a kid would openly admit to all sorts of illegal hunting. It was mainly subsistence-based.

One hunter explained the legacy of a notorious moose hunter:

It was part of subsistence for one's family. Even law enforcers knew but they benefited from it so they looked the other way.

Another rationalised it in the following terms:

You needed that extra meat in your freezer [...] If you go back, there were families living on the edge of poverty. So that moose was important to get.

Respondents typically used a different vocabulary to characterise this sort of hunting, as if to differentiate it from the illegal hunting taking place today (*It's almost like you hunt for different reasons today.*) For instance, they reflected on the difference between terms for illegal hunting (olaga jakt, tjuvjakt, illegal jakt, etc) and their nuances. *There's definitely a difference between the terms,* was an opinion that was shared by a majority of respondents, even if some

contended they were *all degrees of hell*. Poaching (tjuvjakt) was often seen as the most severe transgression because it involved not only the violation of formal regulation, but the theft of someone else's property or rights.

That's hunting on someone else's land or hunting some wildlife you're not allowed to shoot whatsoever. Everyone knows it's way wrong. There are no grey areas there.

It's pure theft. Can I steal my neighbour's car? No. Can I go shoot a moose on my neighbour's land? No.

Åsa-Nisse hunting, on the other hand, was one term invoked by a few respondents to describe the type of quaint folk hunting that took place in the olden days.

It has a cultural heritage that we've moved away from nowadays. It was associated with [...] these old men in the villages who think their freezers looking a bit empty so they can help themselves to a moose.

Before you hunted illegally because you had to. I remember at the estate where I now hunt, there used to be poaching to put food on the table.

In general, illegal hunting for the purposes of obtaining meat does not appear harshly sanctioned, but rather socially accepted in previous research, at least under certain conditions of deprivation and necessity. It is frequently also connected more with opportunistic rather than premediated poaching (Eliason, 2011). *Glesbygdstjuvjakten* was another term used to describe opportunistic subsistence illegal hunting. At the same time, it was observed how it was decreasing: *I think that sort of subsistence based hunting has died out naturally*. The same respondent explained: *There's no need for that anymore. That [hunting] belongs in the literature*. As per this argumentation, respondents indicated a shift in the nature of poaching and, as such, in the nature of poachers and their motivations:

You never hear anymore that 'oh I shot five moose yesterday or I happened upon a moose with my car and shot it. I haven't heard that in fifteen years but you used to hear it.

It used to be more common to poach, which is understandable given the poverty up in some Norrland villages. But today I don't have much sympathy for it.

When I grew up I knew so-called poachers. My uncle's neighbour would shoot more than one moose outside of season. But today, as far as I see it, most [hunters] I know would probably physically assault a poacher if they caught one.

There's bit a societal shift, I've noticed as a Skåning. Very few Skåningar need the meat in their freezer to survive.

That's how it was back then but now there's been a shift.

This shift, to many, pertained to suffering injustices rather than hunger pains, which was reflected in the sorts of wildlife that was illegally felled:

Now it's more based around the large carnivores.

I think the poaching today is more emotionally-motivated than for subsistence.

11.2 Swedish Law-Abidingness

One common conceit when discussing illegal hunting was respondents' attempt to channel contrasts globally and regionally to differentiate law-abiding hunters from poachers. In the first instance, and typically when initially broached with the subject of poaching, respondents were categorically dismissive of illegal hunting at all taking place in Sweden.

I don't know how common it is. In other parts of Europe maybe.

I'm sure it happens, but I don't think there's a lot of it.

I do think most of us are very law-abiding fundamentally.

Generally we Swedes are pretty law-abiding and docile.

I think hunters are law-abiding in general. Of course I think there's some stuff we're not 100% on when it comes to detail level.

I don't think there's any significant illegal hunting going on.

Illegal hunting is not something I associate with Swedish hunting crimes. Swedish hunting crimes are non-lawful hunting. Illegal hunting I associate with Africa and hunts for rhinos or whatever.

Using Swedish hunting as a contrast to the more reckless and less legal hunts of Southern Europe featured in several respondents' reflections on illegal hunting.

It's a cultural issue too. That swedes and Sweden [...] the Swedish authorities [...] there's a strictness to it. Then when you get down to Spain and Italy [...]"

One even built this into the definition of illegal itself:

In some other European countries you're not so fussy about these things unlike Swedes who follow the law and rules and that's the end of it. One term

we use has been “The Italian Way”, to mean a private and illegal management of the wolf.

Further away, kangaroos in Australia injured during hunts were observed to merit little in the way of tracking efforts, which had shocked one of the Swedish hunters who was privy to such a hunt. As indicated in chapter 5 respondents generally observed injustices in the amount of restrictions that befell different European countries because of their different standards of reporting and expectations of compliance. Once discussing illegal hunting within the boundaries of Sweden, respondents sometimes also imparted a geocultural division of poaching and its relative frequency across the country. One respondent, reluctant to depart from the Swedish law-abidingness norm, suggested most professional poachers in Sweden were foreigners:

There are some people from Estonia, Latvia and Lithuania for example. Why wouldn't they want to earn money like that? Granted, this is speculation, but why shouldn't it happen? When they are hired to shoot people they are probably also hired to shoot animals.

Interestingly, the northern respondents suggested poaching took place more often in the south, as in Skåne, perhaps from the influx of Danish hunters and the high cost of land leases here. By contrast, southern hunters theorised about the lack of enforcement and social control in western Norrland, where crimes would be substantially easier to get away with. As such, there was potentially a different character to the illegal hunting that respondents saw take place in opposite ends of the country: one motivated by economic gains, and one as constituting a folk crime for subsistence purposes.

I think it's easier to make money poaching in the south of Sweden than in the north if I'm honest.

There are many roads in Skåne so it's easy to get to and from hunting land. It's relatively easy to shoot an animal by sliding your rifle out your window.

I think there's definitely some illegal outtake of hjort down in Skåne.

I don't know if you poach more in Norrland or in Skåne. I don't think so. But I do think there's a fair few lynx, wolverine and bears that get lost in Lapland without reporting it. You've certainly heard about that.

That Norrland constituted a hub for poaching was far from certain, but some respondents likewise suggested that if anywhere, illegal hunting would probably take place here.

Shooting from your car in Norrbotten. That's something you hear about happening.

I've come across illegal hunting when I've been out doing forest inventory. That was up in Norrbotten of course.

And this thing with illegal hunting [...]. I think this occurs a bit more up in Norrland than it does here.

If you were stupid and unethical enough to want to poach it's almost impossible down here because there's such scrutiny everywhere. Up in Norrland, those big expanses and stuff[...] that'd be a lot easier if you had those ambitions.

The not-in-my-backyard way of discussing illegal hunting thus imparted a safe distance for respondents, who could express affinity with and knowledge of the occurrence without incriminating themselves, their peers, or their counties.

Because the moose hunt was more sacred up north, and the wolf a profound threat to the viability of this hunting practice, respondents also speculated:

Large carnivore killing has probably always been a bigger thing the further north you get.

It's probably more of an occurrence in the north. A lot of people say there's no wolf north of the Dalälvy because the Sami live there. Maybe that's the case, but it's also just speculation.

The geocultural differentiation of respondents frequently resulted in reflections on the Sami's relationship with carnivores and illegal hunting that contained sentiments of injustice over the relative accommodation of their shooting of wolves in the north. On this view, respondents observed the enormous fuss over suspected carnivore kills in the south, where wolves were heavily concentrated, and authorities looking the other way for the massive outtakes of wolves by the Sami reindeer herding communities in the north of Sweden.

At the same time as respondents sympathised with the irreconcilability of Sami reindeer herding and wolves, there was at times resentment over the unequal distribution of costs and benefits of the carnivore issue in a manner that parallels public resentment toward exemptions for indigenous people's right to hunt (see for example Nurse, 2013 on cultural rights to hunt).

It's strange to a Skåning, one respondent argued, that there's to be no wolves in the reindeer herding area. [...] because it's the wolf's natural biotope.

Sure, we can have wolves here in Värmland. But then they must have wolves in Jämtland and Norrland also.

The zoning policy that exempted northern Sweden of wolves, moreover, was seen as inefficient and not grounding in ecological reality:

The wolf doesn't give a shit about borders but sticks to those biotopes it thrives in and where it has the best chances for survival. They don't think geographically the same way we do.

No wolf in reindeer herding countries has meant we have a small strip in the middle of Sweden where the majority of all wolves are today. So it's not like these 600 wolves are evenly distributed across Sweden's very large surface, but they're extremely concentrated to Värmland, Dalarna and Örebro [...] in Örebro it's catastrophic for hunting now, so I understand their resentment.

One respondent proposed a solution to the wolf conflict that would take the pressure of the wolf concentrations and illegal hunting in the middle of Sweden, instead consolidating them in a delineated region in the far north in Sweden, *to please the EU*. Here, then, the Sami would very expressly be turned from reindeer herders to wolf herders, being amply compensated for the park-like enclosure of wolves, thereby incentivising them to not illegally hunt.

But others saw clearly the irreconcilability of the Sami's way of life and increased carnivores. One noted: *I understand if the Sami shoot every wolf they see to protect their reindeer. That's their livelihood.*

There's this respect for the fact that you can't manage reindeer and have large carnivores [...] there's a big acceptance for that it's like that. Reindeer herding struggles enough as it is.

Northern respondents also recited a sympatric relationship with the Sami over the wolf issue, as the presence of reindeer herding subsistence legally or illegally kept wolves at bay.

There's probably some unholy alliance with the Sami interests that's pretty much accepted. I think that's quite obvious.

We can thank the Lapp for it [...] what can I say, without them we'd for sure have wolf here, that's how it is.

When discussing Sami illegal hunting of large carnivores, it was interesting to note the jargon of respondents changed to the euphemistic (as for the illegal killing of badgers in Enticott, 2011). They spoke about the Sami *taking care of the problem* in their own way, *keeping [wolves] at bay*, wolves prophetically *only making it here [to Samiland] once*, or individual wolves *having been a possible victim to reindeer herding*.

Without throwing stones at the Sami I guess you could say they've pretty much always marched to their own tune and then the [animals] may have been protected or not.

It doesn't even feel like a dilemma up there. Inasmuch as [wolves] are there, the Lapps take care of them. In some strange way, they always manage to get away with that. [...] so that's why you don't even give it a second thought.

I think the Sami know if there's a wolf there first. I think it's up to them if the wolf lives or dies. I don't think it's the hunter up there who shoots it [...] but the wolves disappear. The reindeer herders are behind it.

Euphemisms about 'disappearing' wolves were not limited to the Sami context, however. Respondents had various expressions that denoted the illegal killing of wolves. One striking finding was the quickness with which hunters recalled the 'shoot shovel and shut up' proviso in interviews, as if the term was a common sense saying. Other terms included *the Italian Way*, *shooting a fox with a big tail*, the wolf's *tendency to disappear*, *taking care of the situation their way* [referring to hunters], and referring to poaching of wolves as *unauthorised protective hunting*. *The Finnish model* was also cited by one respondent, denoting tacit community acceptance for illegal hunting of wolves where license hunts had been appealed and cancelled. In addition to erecting a barrier of ignorance and anonymity around actual occurrences, these euphemisms may function as part of a validation strategy on the part of hunters that helps neutralise any negative concerns around the practice.

On Martin's (2015) view, when dissenters in the context of environmental whistle-blowing so seek to validate themselves in the face of societal reprisal, they reject words like snitches and categorise themselves as 'public interest leakers'. In a similar way, then, the designation of illegal hunters as *entrepreneurs*, or illegal hunting as *unlicensed protective hunting* (otillåten skydds jakt) neutralise contentious practices. In a recent Finnish illegal hunting trials, for example, the defence claimed "pest control" over illegal hunting of wolves when it came to suspected wolf-dog hybrids (von Essen, 2015). In ecofeminist critique, it may alternatively be a systematic cognitive mechanism that serves to shield the hunter from the actual gritty experience of taking a life by renouncing personal responsibility and cloaking it in an ethical, euphemistic discourse (Kheel, 1995). Respondents also indicated there was an implicit understanding over illegal hunting of wolves taking place in some areas:

People will just smile at you and say, yeah, the wolf's disappeared now. It's a bit like [...] I mean, I have no evidence, it's no one I know, nothing you can prove...but I know what they mean.

Other situations had more ambiguity, but ostensibly suggested foul play:

I think it takes place more than what people think [...] where I've lived two wolf territories were in the process of formation when the wolves disappeared completely and no one's got any trace of them or knew what happened.

It was seen as especially suspicious when whole packs vanished in conjunction with discussions by local hunters on wanting to get rid of the wolves.

I think they shot those ones. [...] they say it's enough we have bear here.

11.3 The Rhetoric of Illegal Hunting

Respondents suggested it was difficult to determine the actual extent of illegal hunting: *It's so difficult to speculate. There's a big dark figure to it. I do think it's pretty common, more than you think.* It was difficult not least because it entailed weeding through the rhetoric of radical hunters to get to accurate estimations of its actual, unexaggerated occurrence. Indeed, in developed democracies where most hunters are also in decent socio-economic positions, the jargon has frequently been mainly unsubstantiated vows to carry out illegal hunting despite new legislation, such as for the hunting ban in the UK in 2004 (Nurse, 2013) – despite such crimes not actually materialising.

Rhetoric did not only originate from disgruntled hunters, however, but from exaggerations and misconceptions in the media that wished to paint a picture of rampant illegal hunting in the countryside. Respondents expressed scepticism toward the fact that there was anything like the organised poaching leagues, as had been portrayed in the media. But there was likewise an element of hunters of *wanting* to publicise the fact that illegal hunting was occurring, or at least being considered, to a significant degree.

Reflecting on threats of wolf hunting in Sweden, a respondent argued:

It's easy to write one thing on Facebook or on other social media. In reality I think it's probably extremely rare. I think it's something that's given more weight than what it really has.

This admission, however, arguably makes the phenomenon no less interesting since it points to the need for a jargon that exaggerates one's willingness to break the law in the face of an injustice.

When discussing the sorts of contexts in which they came into contact with such rhetoric around illegal hunting, respondents noted hunting forums, websites and Facebook groups were typically ripe with such radical sentiment because of an online disinhibition effect. Another respondent whom I had

recruited online admitted: *I've probably said some stupid stuff on robsoft. It's a very good forum, sure there are idiot comments here and there as in the real world, but it's a good site for ventilating the issues.* While the idea of a hunting forum of disenfranchised hunters may read as dangerous enclave, respondents noted there was a more honest circulation of opinions, on for example illegal hunting, than if one were to raise discussions in one's hunting team. Indeed, *the exposure to different perspectives* was seen as valuable (even if these different perspectives all belonged to the hunting community), while hunting teams were characterised by several respondents as:

Groups of like-minded. That's why we hunt together, because we all get along.

Of similar mind, luckily enough, when it comes to most issues.

To the extent respondents expressed willingness to shoot large carnivores unlawfully, this was not a significant finding, as respondents generally presently themselves cautiously in interviews. But unsavoury practices were discussed by peers to these hunters, which respondents could relay. This included experience of fellow hunters advocating unethical methods of belly-shots of carnivores to bypass detection. Another recalled:

Two farmers speaking and one says I saw a lynx on my stack of manure yesterday and the other says, 'if it were on my stack I'd have pulled my gun out.

Still, four respondents were in agreement that to the extent illegal hunting did occur, it would not be by those who openly bragged about it. *When there's talk about it I don't think it's genuine.* Successful illegal hunters were those no one knew about or suspected.

You can speculate, but there's no one that talks openly about it. That's something I find very strategy. It's very... quiet about it. Which to me means there's something going on.

I don't think there's anyone that runs around bragging about having done it.

Insofar as it takes place, I think it's extremely hushed up [...] I think the quiet types are the ones that do it in that case.

There's probably a good deal of talk on the one hand, and shoot shovel and shut up on the other.

The latter respondent also explained that in the case of legal wolf hunts, one upheld a code of silence as to who had shot the wolf, given this constituted sensitive information were it to be leaked:

A guy I'm tracking with was assigned to a group that was to hunt [legally] a wolf up in [censored]. But no one talks about it. It becomes a very particular group. There's a code of silence around who fired the shot.

But, certainly, the phenomenon was talked about in meta-terms such as those above. No one talked about it, and yet everyone talked about it. Everyone knew it was being done, but nobody knew exactly by whom. There was, as such, an anonymity to the illegal kills which Scott (1985, p. 32) talks about in terms of constituting a "quiet barrier of feigned ignorance" which – feigned or not – imparts safety to hunters while conveying awareness of the phenomenon.

The publicness of some acts and the willingness to communicate them appeared to some respondents to correlate with the ethical virtue versus taboo of the particular crime. Being upfront about one's crime, for example, also connected to trying to change the situation.

If you're in the right and you don't try and hide it I don't think you have anything to be ashamed of. People will see the consequences of it, the rightness of it, and there might be a change in the law.

Clandestinely performed poaching, on the other hand, was not communicated because it was usually not predicated on any conscientious beliefs or ethical standards that could compensate for the illegal transgression. It reflects the importance of publicity as a mediating factor in the boundaries between justified and unjustified crimes (Huijun, 2010). A respondent saw evasive illegal hunting as done by *a small group of people and they go around in the nighttime [...] that's organised illegal hunting*. Indeed, the 'quiet poacher' is generally taken to be apart from the community in some way (Eliason, 2008b). As Ilundáin-Agurruza (2010, p. 19) observes of hunting practices: "When a man has to hide to do something, it's cause the thing he does is not right." Recalling an experience in northern Värmland, one respondent affirmed the link between secrecy, at least before outsiders, and ethical faux pas:

We borrowed a boat off this old man when we went fishing. We knocked on his door. This must have been in July or August. We saw there were people in the house but the blinds were closed and we heard voices. We knocked and they went silent. Later the man crept up and carefully opened the door: 'oh it was just you'? They'd been up in the mountains and shot themselves a [moose] cow.

As illustrated in chapter 9, the importance of the sanctioning system meant hunters were careful about whom they let privy to their conscious or accidental transgressions. One respondent expressed the deterrent to poach as mainly

pertaining to social control: *one having hunted for such a long time so everyone around here knows who you are.*

11.4 Categorically Condemnable Illegal Hunting

We have already seen some breaches of ethical standards which hunters find reprehensible, including poaching on another's land, shooting the wrong game, and hunting big game outside of open season. To this end, the by far most condemnable form of illegal hunting presented by respondents was economically-motivated or commercially based poaching. Within this, few if any grey areas were accommodated.

Sometimes the line between right and wrong is misguided. Then there's other stuff that's just so wrong that you can't negotiate around it.

This form of poaching was overwhelmingly clandestine in nature and did not aim at publishing any injustices around laws. It was also associated with excesses that went beyond the right to have a satisfactory life. In the case of *industrial economic illegal hunting*, for example, a respondent noted higher penalties should be imposed as current legislation weak. Others held:

Today it's increasingly league-based and more people do it in an organised manner to sell and earn money.

[Poaching has become] a way of eaming money the quick and easy way without having to put in the effort.

There was also an observed failure on the part of law enforcement officers to differentiate between criminal-minded economic poachers and "locals doing what they have always done", frequently a cause of resentment in communities (Bell *et al.*, 2007, p. 413). To some, it indicated the need for hunters to supplement formal law enforcement to purge the community of this criminal strand of poachers. One said:

I myself have been involved trying to expose these leagues when I was hunting in Östergötland. There were these leagues who shot moose and transported it up to some pretty famous restaurants in Stockholm.

Some respondents linked increasing costs and commodification of hunting to an increase in poaching. *It's so bloody expensive to hunt.* Another suggested scarcity of game, and thereby its increased value, contributed to the development; *I think in that case it becomes easier to move away from those laws and directives around it..* A third respondent argued: *There's probably an*

economic factor to it. [The crime] might go against that person's morals and ethics but the economic incentive is greater. Getting one's fair share from an increasingly scarce good is often affirmed by the research as a driver and neutralisation of illegal hunting (Curcione, 1992).

Nevertheless, a majority of respondents reified that economically motivated poachers were a distinct breed: *Most hunting laws are followed very diligently. But then there are these deviant cases [of poachers], and sick stuff, like hiring folk to get rid of carnivores.* Respondents sometimes connected these offenders to people who *work black and drive around in an unlicensed car. That stuff's par for the course. I think it comes down to what type of person it is.* Such people, moreover, were associated with *That whole package means slaughter, darkness, car with a cooling box.* There was little sympathy for such enterprise.

That dimension's very hated. It's not just competition with traditional hunting but it involves more maiming of game. You find poorly shot moose rotting because they just lie there and no tracking efforts have been made. It's just a car and they hope they can get the animal to the cooling box as soon as possible. I particularly despise that.

It's those people who drive along the backroads in the country. They spot a moose with a spot-lighter on the car. They shoot it. They come back later and let off this man who sneaks up and carves out only the best cuts.

In addition to constituting a legal offense, the respondent noted *That's also very unethical,* connecting to multiple faux pas of wasteful harvests, trespassing on others' land and hunting in secrecy. In addition to condemning economically motivated poachers, respondents gave similar answers to the question of what the worst type of *tjuvjakt* was to them. It was invariably the kind of poaching that involved robbing another of their share; it deprived legitimate users of their resource use opportunities (Kaltenborn & Brainerd, 2016). There was a strong aversion to illicit boundary-crossing and theft.

One thing that was notably absent from respondents' conclusions around condemnable illegal hunting, but which is demonstrated in the literature on illegal hunting, was the fast decreasing acceptance of poaching that involved harvesting scarce or endangered species – even if it was for subsistence purposes (as in Bell *et al.*, 2007; Forsyth *et al.*, 1998). This may be because there were few if any such wildlife species in Sweden. It may also be because, as Holsman (2000) shows in the US context, when endangered species conflict with entrenched notions of property rights, as they did here, they are less likely to be looked favourably upon or be defended despite their rarity.

Inasmuch as previous research on poaching has shown that even those who rationalise subsistence-based illegal hunts condemn poaching that threatens the

common pool of finite game resources (Hampshire *et al.*, 2004; Curcione, 1992), however, respondents in this study did not explicitly corroborate this concern. Rather than compliance resulting from a moral obligation to contribute to the welfare of common pool resources (Gezelius, 2004), it appeared to connect more to stewardship and property rights of one's private resources and land. Indeed, the threat posed by non-compliance and poachers was also to directly endanger the legitimacy of the hunting collective, while making comparatively little difference to wildlife. As we will see shortly, however, the relative scarcity of species did sometimes feature in the reverse: as when hunters neutralised certain types of illegal hunting because the species targeted was not endangered, but common and numerous.

11.5 Defensible Illegal Hunting

While respondents entered the discussion on illegal hunting with trepidation, attempting to dissociate themselves from the culture of poaching, contextual sympathy did sometimes appear. Affinity with illegal hunting was usually apprehended not from discussions on illegal hunting per se, but insights which emerged under less threatening topics. Indeed, respondents were more prone to permit the existence of grey areas of the law when reflecting on injustices in wolf management, the unfair persecution of hunters in society, or deliberative deficits surrounding policy-making on wildlife and hunting issues.

Even within the ranks of authority, police and political representatives, so-called conflicts of loyalty have been reported in relation reproducing a climate partly condoning of illegal hunting (von Essen *et al.*, 2015b). Also termed benign neglect on the part of tacitly tolerating law enforcers, many of whom may be local hunters themselves, it is often seen to be behind low convictions for illegal hunting (Vitali, 2014).

Given respondents' perception of both civil servants and the police authority as *out to get them*, grasping at every infraction, this was admittedly not an extensive finding in this study. But some civil servants appeared to hunters as *clearly not wanting to have wolves either. But they don't bite the hand that feeds them*. For example, one respondent recalled having a contact at the CAB that would tip him off about wolves in the area, not so much with the intent of killing it as evading it and taking one's hunt elsewhere.

High costs of living with wolves

Extenuating circumstances conditioned the acceptability of illegal hunting. First, respondents discussed with sympathy the predicament of those living in wolf-dense areas, where game was now scarce and family pets, property and

children were increasingly perceived at risk for wolf attacks. *Some Swedes just don't understand what it's like*, one respondent contended. The predicament was often framed as emotionally taxing and as a safety issue that could motivate desperate measures. The neutralisation inventory centred on family values and infringements on civil liberties and customary lifestyles. These were often relayed through hearsay: *You just have to go to a school in Southern Dalarna where they're afraid to let out their preschool children.*

There are those municipalities that have granted escort for students because [wolves] as such a problem.

I Sörsjön where you've had wolf in the village hunting deer, they have kids going to school every day. Imagine that. Miljömupparna should have a think about that."

I hunted with some people from middle Sweden this past autumn. They had to escort their kids to school. Because at the bus stop where the kids were waiting for the bus the wolves would lurk around them. I wouldn't want my kids standing by themselves waiting for the bus and have 4-5 wolves looking at them.

It can be noted that support for illegal hunting of wolves among the general public in Finland is predicated on anger and fear following children safety concerns (see Hiedanpää *et al.*, 2016; Pohja-Mykrä & Kurki, 2014). Parents' associations have reacted strongly against the threat posed by their schoolchildren encountering roaming wolves at bus stops in the countryside. This may be owed to a stronger legacy of notorious, emboldened child-killing wolves in Finland the late 1800s. But to Swedish hunters, sympathy was also expressed over the loss of a lifestyle on the part of hunters in wolf-dense regions, whose customary practices were now impossible.

I share in their plight. Although many still seem to be able to hunt in some way it seems that much more difficult. They have to set up a perimeter around the whole land. I've heard of those who place a meter of sand around entire hunting areas.

Of course there'll be confrontation [with the wolf] when our hunting today is some 90 percent dog-based.

To situate these transgressions, respondents invoked the metaphor of the ledger commonly employed by hunters – to say their positive qualities outweigh their negatives, and that they are good and honest people on the whole:

My impression is that these aren't people who are gangsters but ones that make a more exemption when too many of their neighbour's sheep are lost and there's wolf tracks over their garden. Where their kids normally play.

Another respondent suggested such crimes may be permissible if one had *rent mjöl i påsen* [‘nothing to hide’] morally speaking.

You hear neighbours around saying I’m afraid to take my kids out. And now I’ve had to stop my sheep farming, I can’t do this anymore. That’s the kind of stuff that provides hunters with a moral impetus for going ‘OK, I’ll make this exception to my normally law-abiding conduct’.

That the hunters who illegally shot wolves and other large carnivores were not criminals-at-large, akin to the economically-motivated poachers described in the previous section, was a view endorsed by many respondents who reflected on the matter. *I think those who accept illegal hunting are generally not more criminally-minded than other folks, but they’ve done an exception in this case. It’s not the same gang that drives these cars with cooling boxes.*

The illegal hunting of wolves was to many an opportunistic crime of passion or necessity, rather than any socially organised deviance (as Brymer, 1991, terms subcultural illegal hunting). They further argued:

It’s people who are strongly affected by unpleasantries from some sort of game, and they have the means at their disposal to rid themselves of it. I really find it hard to believe there are hunters who travel around with the purpose of hunting them illegally [...] it’s someone who’s affected in his home or on his land and he’ll take the law into his own hands.

To the extent illegal hunters of wolves are on the whole good citizens brought to desperate circumstances, this is difficult to ascertain in any ground-truthing estimate. But the BRÅ report by Pyka *et al.* (2007) seems to hint at law-abidingness as the norm among large carnivore killers.

It came as no surprise hunters formed deep attachments with their domestic animals, particularly their dogs in a way that would tip them over the edge or lead them to sympathise with peers doing so. Putting themselves in that situation, which respondents typically did without being prompted to do so by the interviewer, they frequently expressed doubts about the law-abidingness of their own conduct when push came to shove. Indeed, the loss of pets contributed to what may best be described as vicarious grievance (Schmid, 2013). Some were candid about their potential transgressions in these hypothetical cases.

If it happened to my dog I would not hesitate to shoot the wolf.

If the wolf had come and tried to bite my dog or one of my dogs I’d have taken that shot. Then I’d have to defend myself in some way.

Take your dog away from you and I think the hatred is pretty much comparable as someone taking your wife away from you.

Others emphatically agreed with the injustice of being punished for looking out for your property on your own land: *To be accused of a crime when you've shot a wolf in defence of your dog, you first have to shoot a warning shot apparently and then it doesn't react.* The respondent suggested what was frequent scepticism around the process of invoking paragraph 28 in the hunting legislation – a loophole where you can defend your property – and how this meant hunters often *did not want to invite that lengthy investigation and lose their hunting rifles. I can understand that.* As such, the wolf would get *hidden in a bush* instead.

Alternatively, one could attempt to manipulate the legislation, in that you were permitted to shoot a warning shot to get the wolf to back off, and after that, a lethal shot, *But no one can prove it if you did the other way around.* Another respondent also mentioned this:

In the hunting law you say the warning shot was number two. I sure as hell won't have a chance to shoot a first warning shot before I shoot the wolf. I don't give a shit about that. They can lock me up for not shooting into the ground first. The burden of proof is on them anyway.

He recalled a nature inspector at the CAB, who oversaw such matters in his county, was complicit to this tactic and relatively upfront about its possibility with the hunters he met – being a hunter and livestock owner himself.

Notions of property and entitlement emerged as drivers to illegal hunting. Defending one's domain, one suggested, was deeply ingrained in the mindset of hunters in Dalarna in particular. One respondent here, who had hunted all over Sweden, speculated more illegal hunting of wolves is likely to occur in this county because landowners bereaved of their traditional right to defend property constituted a hard blow to such hunters. It is true that Dalarna may have more of a rebellious culture, given revolts against the state have occurred since medieval times. The Dalarna revolt, for example, now refers as much to the peasant uprisings against the state in the 1500s as it does to Dalarna hunters' boycott of tracking vehicle-injured wildlife in the past few years.

In Värmland, by contrast, he observed that less illegal hunting of wolves compared to Dalarna was occurring (reflected in steady increases in the wolf population) because Värmland hunters did not have equally strong entitlements to land and property. Indeed, they were used to leasing land from large landowners, Bergvik och Sveaskog. Here, he argued, *they can take your hunting away, but they don't take your very ownership away.* Upon my

returning to Värmland armed with this largely speculative premise, a native respondent in fact confirmed the hypothesis, suggesting Värmland hunters did not possess the revolutionary spirit of Dalarna.

Others indicated possessing *a sort of understanding for why it occurs in Värmland and Dalarna*, while emphasizing that this was still an unjust and misguided reaction that ultimately undermined the collective of hunters:

It's the wrong way to go about it [...] but I have full understanding for people who take the law into their own hands.

Yeah it happens. More than you think. But it's not right.

While defensible on some grounds, it was wrong both in the ethical sense and in the more pragmatic sense that if the European Commission on the Environment had to factor in high numbers of potential illegal wolf kills in member states, they were less likely to accommodate legal hunts (Hiedanpää & Bromley, 2011). Hence, to many hunters, illegal kills undermined the prospects of a legal management. When asked to identify the worst possible act of illegal hunting, a Värmland respondent likewise cited the killing of a wolf as the gravest offense on the following consequentialist rationale; even if it was perhaps not morally the worst hunting crime, it would be social and political suicide both for the individual: *I'd have to move. I could never ever come back* and for the collective of hunters by undermining their credibility and law-abidingness. He explained that the court of public judgment would be a far worse and therefore far more effective deterrent than the criminal justice system, insofar as his reputation would never recover.

But respondents speculated illegal hunters did not think in such long-term strategic terms where wolf killings were concerned, but were motivated by proximate motives of resentment, hatred or outright exasperation. *They just seize the moment*. As five respondents reflected of the situation:

If you look to Värmland and see that immense pressure exerted by the wolf. It affects hunting [...] a good deal of the economy up there is moose meat sales. Then there's the family member aspect, the dogs that can be taken by the wolf.

If you lose a dog [...] and if you have that opportunity [to kill a wolf], maybe not that same day but weeks and months after. I think you could do it. I think the hate gets that strong.

Just imagine if a family of wolves come here. They target horses and everything. It would cause an outrage I imagine with the amount of horses today. It's amazing. More than cows.

It can be noted that equestrian opposition toward wolves is growing strong in other parts of Europe, including Germany following attacks, but has yet to become a bastion of opposition in the Swedish case context that can rival hunters and sheep farmers. One respondent theorised that at present, farmers' loss of sheep, while regrettable, did often not prompt the same profound despair as did losing a dog – a family member. To such farmers, the presence of the wolf meant a threat to one's lifestyle and livelihood, but not to the safety of family members. To hunters, on the other hand, the presence of the wolf was a double blow in that it threatened both a lifestyle (hunting practices) and, more controversially, the lives of pet animals to which one had strong personal attachments. One respondent recalled a situation where he had been confronted with breaking the law to defend his pet against a protected carnivore.

I shot a goshawk in near self-defence. I had a puppy with me of only 3 and a half months. She's not big, she was a münsterländer. It was August and I had my rifle with me, I wasn't going hunting really but I still had it with me. And this thing circled us within a ten metre radius and I just felt, I don't accept this. I feared for my dog. I fired a shot, so yeah, that makes me a criminal. It's happened once and I don't actually feel bad about it, because that goshawk isn't endangered or nothing. It didn't make much difference, but of course I didn't really do it with intent. I don't think I could do that.

Two other hunters offered the justification that illegal hunting was relatively more permissible in situations where risk to one's animals or property was high, and the prowling animal was not an endangered species globally. Here, although hunters in this study did not explicitly support the broader literature by contending there was extremely limited tolerance of poaching protected species, they often used the relative abundance of a species to neutralise its illegal hunting. This appeared when neutralising the quaint subsistence-based poaching of earlier generations: *You hear stories from the older men in the hunting team about illegal moose hunts. But it's generally outtakes that don't significantly affect the population.* But more significantly, crimes that posed no harm to the overall population fed into rationalisation of wolf killing.

Indeed, a good third of respondents saw that because the wolf was likely artificially reintroduced in Sweden, he *didn't have much of an ethical gripe with [the crime]*. Similarly, wolves that were deemed to have crossed the implicit naturalness boundary, such as by being hybrids¹² (as I explored in von Essen & Allen, 2016b) or by pathologically specialising in livestock, were held as legitimate individuals to remove from the population by some respondents.

¹² Interestingly, even older sources betray a distrust and greater disdain toward wolf hybrids, as in Lloyd (2011)

The latter, in particular, provided a compelling rationale for illegal hunting, where no permit for shooting it had been granted by the CAB.

Powerlessness and lack of uptake

The material elements aside, there was also an immaterial basis behind illegal hunting. This included a sense of immobilising powerlessness that respondents characterised as: *that feeling of not being listened to by the public, and politicians not delivering on their promises*. It was connected to a rise in both the acceptance and occurrence of illegal hunting of wolves:

It's just that feeling of being unable to affect one's reality that frustrates you and causes you to stand outside of society and say OK now I don't give a crap anymore. I do what I want. People feel powerless.

A respondent in wolf-dense Värmland noted the primary driver of illegal hunting was sure to be *lack of uptake [...] I think that sends people over the edge*. Another respondent argued, exasperatedly:

A wolf can herd around 150 sheep and you still won't get a permit for shooting it.

Taking the law into one's own hands was understood as a natural, albeit undesirable outcome of protracted disenfranchisement. *They get fed up*. This was particularly likely when politicians reneged on their promise to grant license culls, by allowing ENGOs to appeal and stall them to the point of inadmissibility. *That's what makes the cup run over*, a Värmland hunter explained, *...even though no one wants this situation*. Other argued:

There are certainly those groups within the hunting community who take the law into their own hands because it's so poorly organised and they get no good uptake by the state.

I think [the government] is responsible for making people illegal [hunters].

People deeply wanted the ability to regulate the large carnivore populations, respondents frequently explained.

Without any sort of management going through I think there's a strong chance [illegal hunting] will become more commonplace and more accepted.

If there are no other alternatives for wolf hunting, like if it was completely prohibited, I think it'd be a lot easier for people to look the other way [for illegal hunting].

In Dalarna, where there was more pronounced sympathy for illegal hunters – rather than with merely the predicaments they were in – one observed with positive connotations how illegal carnivore hunters were *entrepreneurs* and *do'ers* who proactively made a change in their increasingly desperate situations. Noting a correlation between deteriorating legitimacy and stronger support for illegal hunting, respondents also speculated:

I think there might actually be a tolerance both from hunters and from parts of the non-hunting public that a dead wolf is a good wolf, and this is increasing. I don't think it started out as badly, but now the population's pretty saturated. I don't think there's any more carrying capacity for wolves. And in that case, I think you start to view it less in terms of illegal hunting.

On this understanding, illegal hunting became the necessary game management denied by the regulatory regime, referred to earlier as *The Italian Way*. *It's like 'we shouldn't have national goals, but we should take care of this ourselves.' That's how you ensure these sorts of problems.*

The Swedish regulation around lynx is completely illegitimate and so lynx are harvested [...] the people there [Mälardalen] have all but given up in trying to establish a legitimate management plan.

One respondent observed that lack of confidence in the regulatory regime was both a cause and an effect of illegal hunting, in accordance with previous research on poaching decreasing the respect for the judiciary and promoting more law breaking (Braden, 2015; Sundström, 2013):

I think it'll be increasingly accepted within hunting communities that wolves 'disappear'. That undermines the credibility of those in charge, for sure.

As presented in chapter 7, moreover, respondents also saw a danger to authorities imposing regulations they could not realistically enforce. *You have to be very careful there*, it was said, with the implication rules on paper only would contribute to the illegitimacy of regulation following lack of actual compliance on the ground (Hauck, 2008). In the hunting context, it has been demonstrated poachers more easily defy authority once this delegitimation occurs (Filteau, 2012; Muth & Bowe, 1998). The way in which the regulatory regime responded or failed to respond to hunters' concerns was a source of substantial resentment, as we have seen in previous themes.

They sit there, the Stockholmers, indoors and make rules for how we're to manage things in Värmland. And you have to understand that that creates certain premises for not acting correctly [...] us hunters who are associated with the

Swedish Hunting Association would never permit legal transgressions. We just can't. You have to respect them. But there's still a lot of talk here [...] if you watch TV there's a lady making a non-issue of the fact that 50-60 sheep have just been mailed 'that's nothing, just put up some fences'.

The terms patronising and *bagatellisera* (broadly equivalent to 'to trivialise') were used by another respondent to critique the dismissive way in which civil servants at the CAB responded to livestock owners' lack of proper fencing or otherwise inadequate carnivore protection measures. In fact, there was an increasing tendency, respondents observed, to shift the blame to the hunter or sheep owner for not tending to his property correctly.

When you read in the paper the wolf has attacked and killed sheep then it's suddenly up to the farmer to provide the cost for proper fencing [...] he's been without having to do anything like this before but now all of a sudden he has to fork up money for wires and electricity. It's just wrong I think.

Such a case famously made headlines south of Stockholm, where sheep owners whose sheep had been attacked were reported for animal cruelty violations over having insufficient enclosure, thus endangering their animals. This reflected a growing tendency on the part of the regime to point the finger at hunters and frame them for things of which they were innocent, simply to send a statement that they should keep them in line:

The newspapers wrote about this man who aimed at a grouse up in a canopy. He never shot. He never had the intention of doing so. But someone saw him and reported him and he was committed for something or other.

In summary, sympathy and rationalisations of illegal hunting could be seen across the board of respondents – but they were embroiled in several caveats, reflecting hunters' low tolerance for transgressions that fell outside of the shared normative culture. Gangaas *et al.* (2014) found that elders are more likely to neutralise illegal hunting than young people in Scandinavia, which could not be sufficiently proven or disproven here. However, it can be noted that some of the more flagrant jargon around killings came from elder respondents, even if their argumentation did not considerably differ.

12 The Hunting Counterpublic

In the theme that follows, views are presented on hunters' perception of their disenfranchisement from the polity and experience of unfairness. The theme comprises four sub-themes. In 12.1. The Others in the Public Sphere, hunters identify the constellation of the hegemonic public. In 12.2. Minority Voices Influencing Majoritarian Decision, respondents criticise a vocal minority of animal rights activists for colonising the public and exerting undue influence disproportionate to their numbers. 12.3. Tyranny of the Majority on Hunters as Minority considers the other side, by showing hunters become a minority in the face of a largely indifferent majority public that is vulnerable by the rhetoric of conservation activism. 12.4. Preordained Irreconcilability discusses respondents' belief that conservationists are meaningless to engage with in a debate, but that reconciliation may be found elsewhere. In sub-theme 13.5. Impenetrability of Public Debate, respondents characterise the discourse on wolves as colonised by a conservation agenda. 12.6. Criminal (in)Justice sketches out hunters' perceived predicament of being policed by law enforcement and a new zealous breed of environmental prosecutors.

In 12.6. Socio-Economic Injustice, I engage with those reflections by hunters that they are in a state of subalternity with regard to economic, political and social resources. Here, hunters juxtapose resources spent on wolves with deteriorating economic conditions in the countryside. On their own words, this is traced to hunters' vulnerability to populist politics and radical sentiment mobilised on the basis of injustice. Finally, 12.8. Shared Semantics for Disenfranchisement includes hunters' sympathising with fellow hunters who are worse off to form coalitions of a disenfranchised counterpublic, and their thoughts on ways out of their disenfranchisement, including crimes of dissent to alert the state of their subalternity.

12.1 The 'Others' in the Public Sphere

We have already seen how hunters experience scrutiny of their conduct by outside groups. As contended, respondents experienced having to negotiate their identities before a critical non-hunting public and media. But exactly whom do hunters understand to constitute non-hunting public? In what ways do hunters perceive such groups of people contribute to disenfranchisement for hunters? The public as a broad formation, we will recall, is comprised of various streams and rationalities. At least, this is the idealised conception of the public sphere. But hunters frequently conflated of the 'state', the 'system', 'civil servants', 'urban outsiders' and 'animal rights activists' on various levels, often with the EU or the SEPA as the coordinating apex. In many ways, they were seen as comprising the same epistemic community. It is not uncommon for hunters under the EU Habitats Directive to conceive of these as comprising a nebulous yet influential alliance mobilised against hunting and rural interests, with the media in its pockets (von Essen *et al.*, 2015a; Vitali, 2014; Bisi & Kurki, 2008b; Krange & Skogen, 2007; Skogen & Thrane, 2007).

One respondent provided an elaborate account of what he saw as a network of international and national conspiracies between these parties. The core of the network was seen to be the SEPA, which colluded with various branches. It was seen to be in collusion, first, with the EU, *it's no coincidence the environmental minister in Brussels has a wolf sitting on his desk*. Second, it had the backing of scientists and solicitors, whose backgrounds and interests gravitated them toward work at ENGOS and state agencies. Third, the network also had the media in its pockets. The result was a network in possession of considerable power and cultural capital (as the critique by Norwegian hunters in Skogen & Thrane, 2007). Such conspiricist views may premise hunters' critique of the current predicament as constituting a *democratic dictatorship* ('*demokratur*'). Here, the SEPA called the shots and its power permeated in a capillary-like manner all other institutions behind wolf conservation.

Apart from the media, whose critical lens has been discussed in chapter 5, and the work of institutions, which has been presented in chapter 6, respondents generally spoke of the broad majority non-hunting public – comprising of citizens in cities and suburbs – and the more militant stream of *vegan animal rights activists* as comprising the two biggest impediments to a well-functioning democratic wildlife management. Their influence arrayed the public debate against them by colonising or contributing to a distorted public that was *a priori* impenetrable to hunters. Their hegemonic ethos was seen to be that of conservation. This was the correct perception of nature in the present paradigm (Skogen & Thrane, 2007). This was undergirded by global biopolitics that painted the practices of rural people as diametrically opposed to

global wildlife conservation goals (MacDonald, 2005). This in itself was, of course, a response to an environmental crisis following economic development, and so constituted a counter-green hegemony (Seel, 1997).

To this extent, even as respondents frequently validated scientific hegemony and took no offense to conservation per se (indeed seeing this as a constituent of their own stewarding practice), the kind of science that informed such an ethos was jettisoned as romanticised ‘*balcony biology*’. Some worked with the division of the public into *users* (constituting hunters and farmers), *spectators*, and *enablers* (‘brukare’, ‘betraktare’ and ‘drivare’), where urbanites frequently vacillated between the latter two. Here, ‘spectators’ meant having no real understanding of the people who chose to live in nature.

You’re supposed to live in cities and go out and look at the animals. I think that’s disrespectful to rural people.

Is it the countryside residents’ interests or the city people’s interests that should have weight?

In Finland, these people have been described by hunters as ‘watermelons’; denoting a person with green and red (left-wing) values whose values clash with the praxis-based agrarian values of the countryside (Pohja-Mykrä, 2016a).

12.2 Minority Voices Influencing Majoritarian Decisions

On the one hand, respondents indicated disproportionate influence of the voices of the conservationists described above in the present, in the sense that a microcosm of extremist voices with comparatively little popular support in reality were able to affect the debate and policy around wolves and hunting issues so extensively. Hunters held that:

Carnivore huggers have a far too large influence.

It’s this little group of fundamentalists. They hate us. And they have tremendous power.

Similarly in the political system, although comparatively small, the Swedish Environmental Party was taken as having a disproportionately loud voice on the level of government. As we have seen above, ENGOs through the Aarhus Convention had also been granted a legal standing on environmental issues that enabled filing legal injunctions on majority decisions. There was a desperate call among respondents interviewed here to honour the democratically mandated decisions and verdicts of the majority: *What the state says should be honoured. Not a lot of fuss here and there.*

The fact that there's three-four groups with pretty few members that head up this process.

It was, in other words, inconceivable that small organisations with what were seen as highly particularistic agendas were systematically given access and power to influence vital decision-making. To be sure, Huijun (2010, p. 177) writes that the pressure of smaller groups or persons on the production of laws does not in itself “[...] deny the democratic nature and validity of the constitution,” but when smaller groups mean disproportionately *significant* impacts on decisions, the legitimacy of the regulatory regime may suffer.

In fact, it was suggested that *lobby organisations working full-time for this thing* could even impact sentences for suspected illegal hunters. The current set-up meant animal rights activists could inflict damage even if they were not supported by majoritarian decisions, which many hunters expressed as deeply irreconcilable with democracy. As an example of this, a respondent criticised the expensive helicopter relocations of individual wolves as the result of influence of a radical minority rather than something the public would genuinely get on board with, were it actually put to public deliberation:

I don't know who would actually agree this was a sensible thing to do. I don't think many would.

Research affirms that translocation of animals is rarely an effective management tool, but functions more as a public relations exercise (Dickens *et al.*, 2010; Ricciardi & Simberloff, 2009; Linnell, 2005). It was seen as especially illegitimate when the majority of the public would, to hunters, be unlikely to endorse such a strategy when presented with all the facts. Nevertheless, previous research finds that ENGOs are generally well-supported by the Swedish public so this assertion may not provide an accurate estimation of the public's support for translocation (Sjölander-Lindqvist *et al.*, 2015). However, in arguing the public provided a disproportionate uptake of the interests of ENGOs when it came to the law, hunters challenged the view of the law as the collective moral judgment of the public (in the terms used by Sykes, 1974). It was fragmented by interests.

When not harnessing legal means or taking advantage of the facility with which they could enter the debate and be heard, hunters suggested more radical minorities had no qualms about engaging in obstructive direct action, personal threats or sabotage, so-called DIY protests (Jordan, 2001). Hunters sometimes recalled friends who had spoken up in the debate and had been subject to threats and sabotage by militants, both online and in person. Some recent examples of this include identifying and posting fake ads with critics of the

large carnivore conservation regime on pornographic websites (in both Sweden and Finland, as reported by Moilanen for Jaktojägare, 2016), and harassing and setting on fire the property of tracking hunters.

To this end, associations like the Swedish Society for Nature Protection distance themselves from the violent conduct of any rogue cells which may have flanked off such organisations. But to many respondents such ecoterrorism while not officially sanctioned could not realistically take place without the radicalising milieu provided by the ENGOS.

The argument was that ENGOS paid lip service to upholding certain standards, while in actual fact encouraging rogue off-shoots. The paramilitary Anti-Poaching Unit, in particular, was cited as a flank association who chewed off more than they could swallow. This may read as an unsympathetic verdict of animal rights activists. But if as in previous themes we have argued law-abiding hunters can function as the willing, unwilling or unwitting abettors behind law-breaking through their discourses, conflicts or loyalty or tacit support of certain activities (as in Ayling, 2013; Manning, 1993), we should permit the same of law-abiding animal rights activists in relation to their more militant off-shoots. Indeed, as hunters contended, bankrolling between different animal ENGOS already takes place, even when the more official ENGOS are insulated from the most radical acts of their flank associations.

Respondents experienced feeling targeted by these associations. The license hunts, for example, were not only obstructed through legal means, but by civilian activists scaring away the wolves in the forest – with pots and pans, when not able to invoke interim interdicts. This was the uglier side of their perceived rightful resistance, believing them to stand up for unlawfully hunted wolves. A recent case in Värmland where a licensed tracking hunter pursued an injured wolf to euthanise it, and had in turn had his windshield broken by activists, was condemned: *So now you need to be two trackers where carnivores are concerned*, one observed, suggesting what had begun as a display of goodwill toward society now needed to be hidden and protected for fear of retribution.

Slashing tires of those who participated in such hunts, or those with vocal anti-wolf sentiments, was recalled by several respondents, albeit none had had it happen to them or their closest friends. Several, however, could recall anti-hunting sentiment and actions in their area:

We had some problems here before. They would burn cars at the butcher's and stuff like that.

We had those wonderful animal rights activists who let out millions of mink, or several thousand anyway. They don't consider the damage they do on other fauna.

They came walking through the forest with pots and pans to scare the wolf.

Respondents had a mocking tone about the work of these *militant vegans*:

Djurskyddsmyndigheterna were certifiably insane. Their biggest accomplishment was liberating a goldfish from a too small bowl in a hotel lobby. [...] they also made a fuss about a cattle range where the animals are outside the year round. Oh they couldn't do that, because they might get cold in the winter. So they had to make ligghallar for them.

Respondents in Dalarna had extremely negative perceptions of militant activists. They discussed the work of APU and criticised its pseudo-science of tracking on the one hand, and their failures to withstand public scrutiny on the other. Having recently attended a local APU meeting in his county, a hunter scoffed at the poor show by the APU; overwhelmed by hunters and only a few animal rights activists, they were wary of taking questions for fear of losing control of the public meeting. When it came to discussion time, they had excused themselves to catch their train back to the city. At the same time, the APU – by being in collusion with the media – had presented the meeting as an important and constructive coming-together with local hunters in Dalarna.

It was remarkable, moreover, to respondents that such small organisations could make a dent in the debate. Even the relatively more established Swedish Association for Nature Protection, one observed, was only financed by actual membership to ten percent and relied on state funding to carry out most of its operations. The same respondent was even more sceptical as to how APU could prevail and sustain their voice, given they are neither officially state funded nor linked to a larger agency like the SEPA.

12.3 Tyranny of The Majority on Hunters as Minority

In contrast to the previous theme, however, respondents also sometimes evoked the opposite criticism of tyranny of the majority. That is, that a primarily urban-based public with comparatively little stake and little interest in the wolf issue could exert profound impact on a stake that was essential and even life-sustaining (in the sense, at least, of their identity, lifestyles and culture) to a minority, namely hunters. Rawls (1999) and Singer (1975) discuss the phenomenon of tyranny of the majority in terms of failure of the democratic system to take into account the intensity with which citizens' desires are held in the polity. The strong feelings of a

minority are thus overridden by a relatively disinterested majority. Emotional intensity is a volatile and subjective measure, however, and this may be slightly less problematic when formulated in Goodin's (2007, p. 51) consideration "people ought to be given a say not simply if their interests are affected but also in proportion to the degree to which their interests are affected."

Respondents alleged the democratic majority of the public was also motivated by prejudice about hunting, and that this provided the basis for endorsing certain decisions (as in the case of English fox hunters in Skidelsky, 2003). Furthermore, respondents attributed to the public a basic lack of understanding for the plight of hunters in relation to large carnivores and unwillingness to remedy this, because they could so easily insulate themselves from the costs of such conservation schemes. *I don't think a person from a non-hunting home could ever expect to understand it all.* They were privy to the media's cushy account of the charismatic wolf, where the wolf was presented as a cuddly canine. Media also liked to publicise the fact no human had been killed by a wild wolf for over 100 years, to which hunters retorted: *Yeah, but there haven't been wolves here for the past 100 years. So that's not exactly strange.* Official statistics, including wolf numbers and lack of attacks, were distorted in the media in various ways to give urban dwellers the impression wolves were peacefully recolonising Sweden:

Sometimes they ask how much wolves we have. We say 400-600 hundred. And they're like, 'but that's so little'. OK, but that doesn't capture the relatively big damage they do.

The alleged ferocity of Fenno-Scandinavian wolves in relation to wolves elsewhere is far from definitely established, but some recent studies indicate packs here are larger than in continental Europe; have bigger territories than North American wolves; and display higher predation rates than the latter (e.g. Sand *et al.*, 2012; Boitani & Ciucci, 2009). In addition to these findings, Europe accommodates twice as many wolves as the USA in half the area, and in more than twice as densely populated areas (Kaltenborn & Brainerd, 2016). At any rate, Swedish hunters objected to equations of the relatively low numeracy of wolves globally speaking with the non-issue of living with them. On the ground, their numbers were felt by a minority so that a relatively unfussed majority could sleep at night in their comfy city beds.

They're never happy [...] it would be nice to see the public venture out into the countryside to face these problems that take place every day.

It's not easy explaining to those who don't understand, or won't understand.

A respondent explained that *The big problem for hunters is the lack of understanding from the public*, which he attributed mainly to the state's inability to accommodate adequate representation of diverse rationalities. It was, moreover, the fault of *those who sit on the government chairs up in Stockholm [who] don't know what it's like in the forest*. The urban outsiders rhetoric, as presented, was strong throughout interviews:

“Where are the biggest and most numerous wolf-huggers?” asked a hunter in the south. “Malmö. It's easy for them to sit in Malmö and go 'of course we should have wolves'. But there are no wolves in Malmö and no wolves in Stockholm.”

Of ENGOs, a respondent argued:

Of those 10 representatives, 8 live in Stockholm City. And they push an agenda for 5000 wolves. Of course you might think that'd be nice. I might like for there to be 10,000 wolves in France. It's easy to wish it unto someone else.

The tyranny of the non-hunting public on hunters is often a point of dissension to hunters. Hanna (2006, p. 249), for example, opposes the idea the public are able or justified to influence “difficult decision in the absence of any meaningful personal experiential context becomes largely a matter of arbitrariness, with enormous consequences for the ‘players’ (i.e. the hunting community) and no material consequences for these non-players (i.e. the non-hunting public majority) who have made the ‘rules’.”

12.4 Preordained Irreconcilability

Inasmuch as encounters with the non-hunting public could provide ways forward for mutual understanding, respondents were cynical given their experiences of interacting with conservationists. Indeed, they indicated giving up and unwillingness to stoop to engage in this discussion at all anymore, with the implication they or their peers had taken up the fight at one point but were no longer prepared engage in what was seen as a meaningless endeavour:

If I meet someone's who asks me 'how can you shoot Bambi', it's just like [...] I'm not even having this discussion with you.

I'm too tired. Fuck off, I'm over this discussion.

These people are against everything. It's not just hunting that gets to bear the brunt of their opposition. You can't even talk to these people.

Now that we have the wolf here we're stuck with it. Not much to debating it.

A hunter in Värmland observed a general weariness on the part of hunters there to enter the discussion, because *we have so much [wolves] no one really cares anymore [...] we've already been over it so much, there's no energy left.*

Many saw these conservationists as misguided from the outset, as inconsistent in their argumentation and therefore as too compromised to carry a constructive dialogue with.

What frustrates me most is those who eat cheap imported meat and at the same time hold that hunting is animal cruelty [...] to me it's just a string of contradictions.

I'm weary [...] I mean, have all these opinions about hunting and then you buy mass-produced pork. Fine, just go ahead and do that.

An activist respondent for rural causes suggested that without knowledge basis about the subsistence and production culture of the countryside, discussing with urbanites was often tiresome. Sometimes they appeared neither amenable to broadening their perspectives nor to desiring discussion in the first instance. He explained that among more militant branches, conservationists had ceased discussing and resorted to action, either by sabotaging legal hunts, by freeing livestock from farms, or by harassing wolf hunters.

A main line of critique was the lack of holistic thinking attributes to conservationists, both in terms of a failure in seeing how the city depended on the countryside for food, and in failing to appreciate a diversity of animals, domestic as well as wild, form part of the ecosystem.

There are precious few wolf proponents who have a unique nature interest that is about conserving nature in its entirety.

Within this, he argued:

These people don't see the bigger picture, they only see the wolf.

The wolf's received a disproportionately high value. Many people care about the wolf as if it's the only animal worthy of conservation and I find that really peculiar.

The public's fascination with the wolf was seen to have infected the agenda of wildlife management to the point of skewing it away from all other types of pressing game issues to being solely about one high status species. It made the discussion infected from the outset, foreclosing the possibility of an open-ended discussion about wildlife generally: *I'd say 50% of all hunting that's discussed and gets dismissed is about the wolf, when we have so many other*

species. Hunters thereby joined a critique termed inverse high-grading, involving the focus of attention on one component of an ecosystem at the near exclusion of other components (Hiedanpää & Bromley, 2011) and the ignorance of ecological consideration beyond the charismatic flagship species whose characteristics were marketable and exotic (Lüchtrath & Schraml, 2015). One respondent attributed this to selective media coverage, observing the public *don't actually meet the wolf. They meet the media's wolf*.

It is a recurring approach to undermining conservationists by showing they become blinded to ecological trophic effects by their one-sided focus or romanticisation of one species (Enticott, 2011). Here, then, hunters can actually be seen to harness an ostensibly ecological sounding argumentation to discredit the views of conservationists, in a phenomenon that I as noted refer to as barstool biology (von Essen, 2015). One respondent suggested it was ultimately the SEPA's fault as it set the agenda for discourse. *Suddenly genetics is all the rage*, he observed, and everyone had to get onboard with that argumentation until the next trend. This may however ignore the profound normative weight and rhetorical power to harnessing objective scientific knowledge (Haraway, 1988), which is a far more enduring symptom of modernity than a passing trend.

But not all respondents delved into their inventory of barstool biology to prove the folly of the singular focus on the wolf in public discussions. As Newman (1991) and Theodossopoulos (2014) note, one way of resisting such vocabulary is the refusal to adopt it. Indeed, hunters saw the corrective to the tendency to foreground the wolf, moreover, was in simply refraining from attributing it with symbolic value and treating it – and by extension managing it – same as any other species. To them, this was straightforward, and not an ecological point so much as a common sense way of relating to the wildlife around them. But this was staunchly refused by the public, who had formed a curious attachment to the wolf's welfare on the individual level. *The symbolic value has taken the upper hand, and that's polarised the discussion [...] I think that's a real shame*. As previously contended, the attribution of names to Swedish wolves contributed to this. The SEPA's and various agencies' affirmation of the wolf as the only species of import had further circumscribed finding common ground with wolf proponents and the general public.

As suggested in chapter 5, hunters took aversion to their positioning at the opposite end of the spectrum to conservationists when it came to wildlife. Indeed, respondents deeply regretted the polarisation of Bambi-lovers and hunters and noted a shared view and a mutual understanding had once been in place historically, but was now increasingly partitioned into discrete and irreconcilable interests. *If we go back some years, we used to share this view*

with the SEPA. A lot of people were members of the Swedish Hunting Association and the SEPA because of a shared concern about nature. Although respondents conceded that factions of the hunting community had also radicalised, especially in relation to wolf opposition, radicalisation into militant extremism was mainly a charge they levelled against conservationists, who had seemingly departed from a shared status quo and lost moderation (Githens-Mazer, 2012; Skogen & Thrane, 2007). *They get fanatical* one argued.

The divergence of the SEPA and the Swedish Hunting Association, for example, was traced to a hardening of perspective on the part of former, creating organisations like the Nature Protection Association *They just left that perspective and became more of a conservation-animal rights agenda. We lost the shared view then.* Another respondent reminisced about having been a member of Fältbiologerna (Nature & Youth Sweden), but that such an organisation was now increasingly irreconcilable with a hunting interest: *They've become a pure hunting hating organisation now.* Similarly, a hunter declared: *The SEPA then wasn't the SEPA of today.*

To this end, while the public at large was conceived as stacked against hunters' views, there were fleeting moments of constructive dialogue on the level of individual encounters with non-hunters. Respondents indicated that away from the debate, stripped from stakeholder formats where interest groups were positioned against each other, one-on-one meetings sometimes carried the potential for cultivating a mutual understanding. The respondent who had recalled meeting wolf hunt saboteurs with pots and pans in the woods noted that while the encounter was initially tense and addled with preconceptions, they had clarified their positions and intentions and produced a civil climate.

Oh you're not here to shoot the wolf? No, we were planning on hunting deer but we can't do that now. Then they got more positive. They offered to pop down to my neighbour to make noise there to scare them back. No thank you!

Another respondent recalled a moment of panic when meeting ornithologists while carrying this morning's harvest of twelve geese of 4-5 kg each.

And we meet three of these guys with binoculars on their chests and we think oh lord, here we go. And then the one guy says, 'can I have a look at these'? Sure. 'How's the hunt been today?' Fine, I said. Or, he saw that it had been fine. No complaints, I said. And he asked how many we'd shot. What the hell do I do then? I figured I'd just tell the truth.

The ornithologist had said *good, shoot more of these*, because he was of the opinion the Canada Geese have expanded so much to the detriment of other sea birds and was now highly territorial in the lake. *So he thought it was great. At*

the same time, I got a bit of a lesson from him. Do you know what a young bird looks like? A bit I said. Come here, let me show you. He gave us a little lesson. The encounter, initially anticipatory of conflict, was seen as a constructive meeting between two interest parties often presented as polarised.

12.5 Impenetrability of Public Debate

Allegations of the media co-opted by a powerful conservationist elite meant hunters saw they were now given precious few opportunities to contest their often false media representations. *We are not given voice in the media that we need to explain to people.* Respondents also contrasted the ease at which conservationists could receive dialogic uptake in the debate with the constrained parameters that applied for hunters' uptake.

What I don't understand is that we in associations can't make a difference, but that environmental ENGOs can be heard so loudly, but not us hunters.

Even when mobilised in the relatively powerful Swedish Hunting Association, respondents suggested one's influence was not comparable to that of ENGOs.

Conservationist associations have legal standing and voice regarding these decisions. But the Swedish Hunting Association, for example, has no say [ytttanderätt]. We can't appeal anything or give statements regarding hunting decisions. It feels very strange we don't even have the right to give recommendations.

I have a friend in SJF when we just got the 6 lynx for licensed hunting and I asked him why we don't go out in media and he says they've tried but they are not let through. They are not heard in the media.

This was reflected across the deliberative system. Respondents also noted the hunting community had to compromise and accommodate the wishes of non-hunters to a greater extent than the other way around:

We pay so much for it and we have to allow for so many things. This new stable by the Shell station, they ride their horses all over the woods I tell you, but we can't start up anything with them because if we do, I guarantee you that we're out of there quick.

Where majoritarian decisions were initially in favour of hunters, the critique was the conservationist coalition could profoundly delegitimize these with the simple invocation that the procedures behind these decisions were inadequate. *They say the wrong people were behind it, so they have to initiate a new*

investigation. Apparently that which is in their favour is legitimate to them. In effect, they were able to deploy the argument behind democratic disobedience: that procedures behind decisions were characterised by deliberative deficits or distortions in the composition of authors enacting the decisions. And they were ostensibly successful in a way which hunters were not when attempting to mobilise the same argumentation to discredit conservation decisions. Namely, they succeeded at least in heading up new investigations, often protracted to the point of inhibiting whichever decision was originally proposed. New investigations were offensive inasmuch as they entailed *nothing but talk*, prolonging the difficult predicament in which hunters were presently trapped.

Impenetrability of debate also meant that, much like the hunters themselves have affirmed in this dissertation, there was an unwillingness on the part of conservationists to engage in constructive discussions. They preferred to communicate via administrative inertia or direct action: modes that bypass any dialogic and deliberative credentials. When confronted in dialogue, hunters contended, they often backed down. This was because they possessed “more effective means of force at their disposal to achieve their goals than the force of argumentative persuasion” (Eckersley, 2004, p. 15). Militant activists tellingly quickly ‘hung up the phone’ when asked to come together to talk with hunters. *You’ve got to be able to discuss these matters*, a respondent said, criticising ENGO legal appellants for their hit-and-run obstructionism. Spokespersons of animal rights ENGOs, like Conny Andersson of the Swedish APU, were criticised for not actually coming to the table when asked, because they were arguably more successful through enforcing direct action and legal inertia than dialogue. To the extent dialogue took place, hunters *...can’t get a word in edgewise. Only the wolf-huggers get to run their mouths.* Even if they were permitted to speak at such events, *...no one listens to us anyway.*”

12.6 Criminal (In)justice

Given extensive discussions on illegal hunting and responses to law-breaking, respondents often circled back to the procedural treatment of hunters accused of hunting crimes. While critical toward the sorts of poaching practices presented above (such as the economically motivated, commercial variety), the majority of respondents described the punishment and indictment of hunters in the present as unduly stigmatising. Indeed, it violated the principle of proportionality. To be sure, this is a rather weak claim when set against the shoot-on-sight policies for poachers in for example Kruger National Park (as in Messer, 2010). But the structural foundations of the argument are similar. One

particularly recurring motif was to juxtapose the legal sanctions associated with shooting a large carnivore with those associated with harming persons.

I think the legislation is unnecessarily harsh. You lose your licenses too easily, you can get four years in prison for shooting a wolf, which I find unreasonable. There are many who get charged with physical assault who barely do any jail time.

Let's say you and I are on bad terms and I kill you. I'll get away with less time in prison.

Seems like there's very severe punishments for [illegal hunting]. Surprisingly hard compared to a lot of other stuff.

Something's not right [...] you have less severe punishment for killing a man than a wolf. It's not relevant.

Sometimes it just makes you wonder, getting more time on your sentence than murderers.

The large carnivores is where the big punishments are.

Other respondents, however, suggested punishments were reasonable or – as one respondent suggested – could be even higher for especially violent and premeditated or unnecessarily cruel forms of illegal hunting.¹³ But these respondents were also for harsher penalisation in society overall.

They are surprisingly low to me, but so they are for crimes of torture of animals in general.

I don't mind the severe punishments for [illegal hunting]. But you've got to put it in relation to other crimes. Then it's maybe overly harshly punished, but I'd rather see stricter punishments for the other stuff to balance it.

In addition to prison sentences and the loss of licenses, respondents indicated the real disenfranchisement lay at two other junctures. First, as I have been at great pains to relay from interviews, there was a suspicion and scrutiny of hunters' conduct for the smallest of infractions in the first place. Consequently, minor transgressions were seen to be grasped at by law enforcement, particularly against Christer Jarlås' declaration in July 2015 that the case solving percentage for hunting crimes against large carnivores was too low and needed improving. Indeed, of the approximately 200 verified killed predators, only 21 persons in Sweden have been sentenced, thus constituting a fraction of percentages of all reported cases (Tønnessen, 2010b).

¹³ This is reflected in the criminal justice system.

Rather than turn a critical eye toward how regulation was enacted in such a way as to disenfranchise hunters to the point of them breaking the law, Jarlås' statement thus localised the problem in insufficient criminal justice. Many hunters were critical of the way justice was now dispensed in illegal hunting prosecutions, particularly when compared to lower penalties for more serious crimes. This reflects the supposition that legal systems never dispense a neutral justice, but carry out arrests, investigations and sentences as part of a political struggle (Martin, 1994). Law perpetuated injustices and solidified entrenched power relations (as observed by Ferrell, 2013). Criminal justice hence translated to social injustice for hunters (von Essen *et al.*, 2016). Jarlås' call for increased enforcement as a response to illegal hunting was also traced to increased surveillance of hunters by the nature inspectors of the CAB and their carnivore cameras, which seemingly kept track of hunters.

The second juncture at which criminal injustice was palpable to hunters was unfair treatment of alleged illegal hunters in the investigation process. To respondents, the enforcement and prosecution appeared as quite unlike any other indictment process by defaming suspects and invoking arbitrary breaks in investigations to prolong one's predicament. Even in the case of perfectly legal wolf kills, respondents indicated investigations involved a stigmatising query process. Hunters were hence increasingly reluctant to invoke paragraph 28 as a legal defence for a wolf kill preferring instead to *take care of it illegally* because the investigations were drawn-out and likely to result in the loss of one's hunting rifles in the interim. This meant that although the revision of paragraph 28 had been an appreciated concession when it came into effect in 2009, it was still implicated in structures that meant hunters were *afraid to use it* in practice. Such concerns are echoed in Finland, where the equivalent conditions for damage-based derogations for wolf hunting are so narrow hunters are unwilling to go the trouble (Hiedanpää *et al.*, 2016). It was not surprising, given hunters here contended: *Where I'm from people have gone to jail for it.*

The fact that investigations took so long was seen in similar terms to ENGO's strategic legal appeals of wolf license hunts. This was insofar as the plaintiff knew that merely filing the paperwork for the suit would entail obstruction and the loss of rights temporarily. In the case of the cull, this meant postponing the hunt until it was no longer a feasible option. In the case of criminal investigations of illegal hunters, it meant sending a message to hunters that their licenses and weapons could be seized almost indefinitely, effectively precluding them from pursuing their hunting lifestyle for as long as the attorney deemed appropriate.

I think it's regrettable their seizing of weapons from people who are obviously not at risk to society, but it changes their lives so substantially.

For stuff like shooting in the wrong place or accidentally maiming an animal, maybe being a little bit inebriated and making noise out in society [not hunting], you can lose your weapons right then and there. Like all of a sudden you're not a suited to owning a gun.

You drive around an evening in March with bullets in your pocket and an unsheathed rifle in the backseat and a knife in the other pocket... and that means, seriously, that I can be convicted and bereaved of my weapons. [...] Where's the tact and proportion of the police?

But the stigma was also apparent in the amount of resources devoted to apprehending illegal hunters and convicting them in court, as if reflecting a global war on poaching to save biodiversity (Wall & McClanahan, 2015). This much has been found difficult for many self-identified folk criminals to identify with, as in Duffy's (2010) words, it puts those who "pick up a dead honey badger in a rural area in the same legal net as commercial ivory poaching" (p. 109). Respondents were incredulous before the escalation of anti-poaching policing measures in their regions that were otherwise bereaved of public services like law enforcement.

Look at the Lillhärda case. There were police helicopters, police officers, investigators, prosecutors.

Since a wolf was involved, all of a sudden it was a CIA style criminal investigation [...] as soon as a wolf's in the picture things get pretty distorted.

The investigation process on illegal hunting took on its own logic, its own agenda and importance which meant:

You use up enormous resources over two years. It's disproportionate in relation to the incident as it was reported originally.

To this respondent, it served more of a *symptom something's gone wrong in society*. The power wielded by the attorney was criticised as arbitrary, reflected in their ability to postpone hearings, but also in pursuing symbolic cases for the agenda of the environmental district attorney. Finally, the pushing of illegal hunting of wolves into the category of organised crime by attorneys meant that in addition to harsh sentences, so-called camouflage-collar criminals (Eliason, 2014) were effectively brought together with mafia and smugglers. Through the rubric of environmental crime, they were also brought together with toxic waste dumping corporate conglomerates. This may have been especially difficult for Swedish hunters to bear given their internalised identity of law-

abiding characters. If hunters self-identify as dissenters of illegitimate law rather than criminals, harsh punishment is especially problematic. On hunters' view, and endorsed by Dworkin (1986), society suffers a profound loss if it punishes a social group that includes some of its more loyal and law-abiding citizens. This seemed to underpin hunters' criticism, not least given their self-professed contributions of integrity and public service presented in chapter 5.

12.7 Socio-Economic Injustice

It was candidly observed that *a wolf is more worth than a human*, which is now a recurring rhetoric among those disenfranchised as a result of wolves (similarly found by Boitani, 2000). The sentiment was particularly strongly affirmed in respondents' reflections over higher penalisation over for example wolf kills than physical assaults of fellow persons. But it also extended to perceived or relative distributive injustices in economic resources. The ability to pursue one's lifestyles and livelihoods as before tends to be connected to maintaining the very fabric of the countryside (see also Egan, 2014). Hunting and livestock grazing served as a social glue and as a source of morality (established as a critique toward the Habitats Directive in France by Mischi, 2013). Within this, the wolf served as a powerful emblem or, on Scarce's (1998) interpretation, a governmental surrogate that tore this fabric apart.

Respondents discussed their relative marginalisation in terms of its socio-political implications to society, including making groups vulnerable to populist right-wing parties ready to seize on disenfranchisement. Such disenfranchisement connected to a loss of political influence on the part of the countryside in the Swedish riksdag. As in other studies around disenfranchisement over wolf conservation, the rhetoric was on loss, stewardship and workmanship contrasted with the privilege of the growing academic middle class in the cities (Vitali, 2014; Bisi & Kurki, 2008b; Kränge & Skogen, 2007). As such, the often historically proven wisdom that hunting regulation criminalised the working class and perpetuated the privilege of an upper class (Osborne & Winstanley, 2006; Jones, 1979), was seen to apply in a slightly modified constellation today. Like elsewhere (see Lühtrath & Schraml, 2015; Bisi & Kurki, 2008b), the protection of large carnivores was seen to be tied to a purposeful and systematic devastation of the countryside.

The tenets of this argumentation were, first, that respondents generally questioned the idea of spending so much money and resources, and alienating whole parts of society, over an animal that was not justifiably *endangered* in any real sense. While it is not clear respondents would have held a different view were the wolf in an extremely endangered position globally, its high

numbers elsewhere – including Russia – meant a certain incredulity before treating it like the last precious relic of something.

It's one of the world's most common predators.

There's so much wolf across the planet. To call it endangered is to me sensational. I guess it's almost extinct in Lund?!

The fact that the wolf was endangered only when considering a very specific local scale, moreover, was a critique sounded by several respondents. *You can never operate on the level of the national state when you talk about endangered wildlife.* At the same time, the former respondent conceded:

I see the argument that future generations should have the opportunity to have wolves in the forest and therefore we should protect the wolf. But we don't actually need to undertake this conservation. There's so much of it already [...] if the global wolf stock was running low we could have a different conversation.

In particular, criticism was directed toward disproportionate costs all too willingly accommodated for wolves as part of their recovery.

Like that female wolf that's been anaesthetised and relocated four times. Several million per helicopter ride. That's completely without proportion, you can't manage nature like that and then expect any sort of respect from hunters [...] it just creates resentment.

The Junsele wolf to which the respondent was referring was mentioned in several other interviews as a symbol of the excesses of wolf conservation. *What was it she cost us, 5-6 million I think?* The wolf was also taken to *only eat expensive food*, with reference to attacks to livestock. In Dalarna one respondent recalled local residents were mobilising and pooling together to afford ambulance and firefighting supplies, which had recently been cancelled for that region, taking place against the backdrop of the Junsele wolf's expensive personal trips over the area with a helicopter, and indeed other wolves' escorts to veterinary emergency clinics. *If they'd known it was being ferried over them then*, he argued, referring to the local residents, *they would have shot that helicopter down.* Others reflected cynically on the ordeal:

I mean how the hell can you spend so much money on it I wonder? Just like I said, a wolf is more worth than a human.

This one wolf, he was genetically valuable, but I don't know how many times they moved him [sic] or how many millions they spent, maybe 5-6 millions.

Seems to be that these wolves can cost just about however much they want.

One respondent appealed to phrasing in the Habitats Directive. *It says carnivores cannot influence human interests [...] an aspect there is how much can it cost us taxpayers? Like when a single wolf costs 5 million SEK to relocate. How much is too much?* It can be noted that the EU recently estimated the annual costs for implementing the Habitats Directive to be approximately 8.5 billion EUR (European Commission on Environment, 2015).¹⁴ Beyond relocations, he argued the tremendous expenses associated with accommodating wolves were difficult to stomach:

As opposed to simply shooting a problematic wolf that targets livestock/sheep, no instead you distribute 5 million SEK worth of fencing, and that money is gone immediately, but 20 other farmers now need the fence too. The money for fencing vanishes almost right away.

The costs of the wolf, wolf management, and the enterprises of ENGOs, were juxtaposed with a deteriorating countryside in which economic investment was long gone. An older respondent suggested: *Can't we spend in on anything better, like elder care?* Others contrasted it with industry or medical care. *Maybe it's just too expensive to have wolves. I mean, compare it with beds in the hospital.* That the wolf was more or less directly construed as a threat to making a living has been established by the literature (Scarce, 1998), and was implicitly affirmed in respondents' despair over the loss of industry following turning the countryside into wildland. An electrician working in truck manufacturing soberly noted:

They've let go 500 people. I'm not one of them, but I'm still affected [...] it's the largest company here so it's really difficult.

The 'factory and hunting' struggle, moreover, has been articulated as a palpable identity loss on the part of rural residents and has helped mobilise defensive rural movements against wildlife conservation elsewhere in Europe (as in France in Mischi, 2008). In Sweden, respondents viewed the countryside as a locus increasingly destocked and depopulated because of a loss investment, industry and opportunity in almost post-apocalyptic ways:

Hunters have all but disappeared. There's no people living in the forest anymore. The villagers are nearly empty. There are no kids or youths living outside the cities. So of course hunting's suffered.

¹⁴ However, its estimated benefits are 200-300 billion EUR, when ecosystem services are monetised (European Commission on Environment, 2015).

You'll see the stretches of forest of 50-60 km without any sort of people living there, no houses, no nothing, basically no moose left. Only wolf excretions and cadavers.

Dedicated hunters in these places, it was argued,

[...] are basically depressed for eight months of the year and then they're exuberant for four months straight.

They live for the moose hunt a few weeks every autumn. That's why they live in Värmland in the forest in the middle of nowhere and drive 150 km to work. [...] unless the goal is to depopulate the entire Swedish countryside I think you have to take these things seriously.

Much like the local wolf opponents surveyed by Brownlow in upstate New York, where "regional economic growth depended, literally, upon the living bodies of the region's 'game' animals" (Brownlow, 2000, p. 150), the loss of moose in this case context following wolf predation pressures equally devastated the economy of rural communities. The loss of dog coursing forms of hunting with the presence of the wolf was also seen by many as the demise of a unique cultural tradition. Its demise meant there would be significantly less incentive and interest in hunting, at least for those who prized the annual moose hunt. In this way, wolf conservation was a threat to local identity.

Norrland communities and attitudes are predicated on the idea that hemvändarna return for their moose hunt. If you remove the moose hunt, that'll all disappear.

Indeed, migration from unjust predicaments has been taken as passive resistance toward natural resource management conflicts (Peluso, 1992). Although this may read like acquiescence to the regime's agenda, respondents talked about it in terms of implying an overall loss for Sweden, affirming its subversive nature: *We're the fastest urbanising country in Europe right now. I think we leave the countryside*, one hunter threatened. In Dalarna, respondents took this threat further, with one suggesting that large-scale countryside revolt may be the only thing that can generate uptake for hunters. This would necessitate one of two things: either hunters stop hunting, or farmers quit supplying food to the cities. While far from feasible, he observed positioning it in terms of an ultimatum that would provoke a response from the urban public and authorities was the only way in which the latter would come to experience the yin-yang character to the urban/rural. That is, they both relied on each other, and lately there was dissipating appreciation on the part of the urban for the contributions of the countryside (see also Lundgren, 2013).

Women were seen to leave villages to a greater extent than the men, leaving behind a class of resentful disenfranchised rural men. ‘Stayers’, as Krange and Skogen (2007) observe, are working class males bound to a locality over which they have increasingly little control, which is perceived to be steered by forces more powerful than themselves (Koomen & Van Der Pligt, 2015). In the face of such upheaval, they may also use hunting as a transmitter of masculine values (Bell *et al.*, 2007), a pursuit that ensures they remain in isolated pockets of traditionalism that may conflict with the dominant value orientation of majority public (Forsyth & Marckese, 1993). Robbed of their cultural rights, and in extreme cases of their weapons during investigations, these men may experience the kind of patronising correctional efforts associated with an emasculated citizenship (Johnson-Parris, 2003).

The attribution of the label *doers* to those men who broke the law to rid their communities of wolves, may on this view be reclamation of autonomy. Less radical persons were speculated to attempt to reclaim autonomy through voting for the right-wing Sweden Democrats (SD), or one of the smaller radical organisations like Landsbygdspartiet, Naturbrukarna and Naturdemokraterna that protected conservative rural values.

You can definitely cast your vote on SD, either as a racist, or to protest.

My personal take is they received a lot of protest votes. I actually think few hunters really believe SD would get any real power in our lifetimes or affect in our way of hunting, so it's probably more like these are people who are disenfranchised in general and say ‘ok I'm gonna give them the finger now.’

The disenfranchised extended beyond hunters to rural groups of deteriorating socio-economic conditions in a changing, urbanising world that marched to the tune of EU policies more so than to that of its tax-paying citizens. *It's not just hunters who are affected: it's the entirety of the countryside.* Within this refrain, it was easy to harness the marginalisation also of agrarian communities who suffered from wildlife conservation schemes. Two respondents explicitly connected the immigration issue to the wolf conflict, where those who voted for SD often did so on the basis of opposition to both of these developments. Their commonality was in protecting the integrity of the countryside against the onslaught of globalisation and urban expansion whether in the form of human or canid immigrants.

When hunters thus invoked the pan-agrarian defence, they collapse many diverse ruralisms in a manufactured conception of ‘rusticity’ of the country life. This of course masks what may be diverse or even antagonistic relations and interests within rural communities, as between landowners and hunters or farmers and hunters (Skogen & Thrane, 2007). It superimposes solidarity and

shared semantics – albeit temporarily – on differentiated rural communities (Peluso, 1992). Perhaps observing this, hunters saw it carried the potential to create anti-European populism in countryside coalitions in European member states (as in Mischi, 2008). Framing their grievances in this way, they had the capacity to transcend mere NIMBY level opposition toward particular causes (Nilsen, 2009). Woods (2003) observes that such coalitions provide effective alliances in political issues:

Single issue of hunting could not mobilise sufficient public support to successfully resist legislation to ban the sport, but positioning hunting as fundamental to rural life—and consequently positioning a ban on hunting as an attack on rural identity—could. (Woods, 2003, p. 316)

Indeed, the discursive interconnection of multiple rural struggles represent, in part, a public reaction to the state's fragmentation of the rural on a sector-by-sector basis. Hence, it provides a new common identity that is formulated specifically as a political protest to the betrayal of the regulatory regime (Hagstedt & Korsell, 2012). As a reaction and as display of one's resentment, respondents suggested, *You choose to stand outside the system*, akin to the tendency of those disenfranchised to reject one's rejector (Scheff & Retziner, 1991). Moreover, the fact that the major political parties actively profiled themselves in the wolf issue for the 2010 election may have been a vector behind the increased visibility of peripheral parties mobilised on the basis of wolf opposition at this time (Cinque *et al.*, 2012).

Seizing on this disenfranchisement, the 2010 political election had saw some parties profile their campaigns on the basis of defending rural interests. However, as respondents commented, both sides of the political divide had in actual fact failed in profiling themselves in a way that resonated with hunters, leaving them vulnerable to the opportunistic politics of the Swedish Democrats (SD), who had been comparatively more successful. *I'm convinced of that*, a respondent said when asked if hunters might be prone to vote for SD. *Hunters are people deep down [...] I think these people feel they want to make some sort of dent and damage something. Because that's really what they've done when they've voted like that.* He added, however, that in in circles *You of course can't say that.* Another argued:

It's a bit like 'I have zero trust in politicians so I vote for those who will cause the biggestruckus.

SD was seen to *capture those people who feel left out in some capacity.* Another respondent suggested the proliferation of right-wing parties was sure to attract the votes of disappointed people *living in those areas and seeing their*

world changing because of circumstances outside of their control [...] it can even create terrorism in extreme cases.

One respondent noted the Swedish Hunting Association reified a link between politics and hunting by having a poll about which party you should vote for in the coming election, with questions relating to hunting.

I was shocked to find my result. Now, I didn't vote for them, but I can tell you I got SD.

300,000 people is still 300,000 people another said of hunters' political status, *Of course it has some effect on the national level. We're not that big of a country.* He suggested that if one family member had a hunting license, it may have meant the convergence of the family's views to the point where both the wife and husband voted the same:

So the target group is potentially a lot bigger. Yeah, I do think hunters in Sweden are a sizeable group and I do think the way parties frame their hunting policies matters [...] one party that has actually been pretty intelligent about hunting issues is SD.

SD was characterised as an enclave that could cater to the disenfranchised and provide them with solidarity over their predicament. But casting one's vote for them also served as protest toward the political regime. The intention was less to engage in politics or expect substantive changes in policy, but to demonstrate dissent. Beyond voting for extremist parties, moreover, respondents also suggested hunters' abandonment of their customary practices like moose hunts and livestock grazing, while hurting them just as much, would also function as a way of signalling dissent: *I think these sorts of issues will rise to the fore*, one respondent said in response to worsening conditions in the countryside, *It'll become an expression of dissatisfaction in saying 'this is so important to us, but no, we simply cannot do this anymore.* The same was hinted at through hunters' ceremonious cancelling of the much anticipated annual moose hunt for several years in a row; although it had a proximate motive of safeguarding those little populations that were left after carnivore predation, it could also communicate the depths of one's despair. While hurting dissenters in the immediate sense, the long-term repercussions of these sorts of patterns of dissatisfaction were seen to be national:

I think people will quit their livestock enterprises [...] then the countryside will be afforested and that's that. It'll be a significant loss to Sweden.

Such reflections exposed a general sentiment also of pride among hunters. It was the kind of pride associated with keeping the landscape a certain way, having cultivated, managed and domesticated wilderness into a pastoral scene (Shelton, 2004). New conceptualisations of a more normatively desirable breed of animals – wild exotic ones – now overrode historical relationships with the landscape. This was a wounding of pride and an affront, as is a commonly observed concern in large carnivore conservation (Ghosal *et al.*, 2015).

12.8 Shared Semantics for Disenfranchisement

Shared semantics is taken as the “intersubjective framework through which personal experiences of suffering are interpreted as affecting both the individual and others” (Pilapil, 2013, p. 55). In counterpublic theory, this is about articulating disenfranchisement that can transcend the local and the particularistic to apply for a larger number of people. Generally, this was prevalent in all interviews, as hunters shared in the plight of the countryside and of other hunters. Few remained on the strictly local, particular level, and thus contributed to the cultivation of a shared experience of empowerment within the counterpublic by supporting the injustices suffered by peers (Colquhoun & Martin, 2001).

While on the one hand respondents sometimes expressed distaste for the radical anti-wolf associations and their rhetoric (*They act out of line*), the previous chapter indicated there was profound solidarity with fellow hunters in wolf-dense regions, especially when it came to family security concerns and loss of one’s dog. To this end, there were clear limits to solidarity. One respondent explicitly noted there could be no meaningful solidarity unless one had practical experience of a related predicament, confessing he had not truly shared in the plight of Värmland hunters until wolves came to his county of Dalarna. It is also clear from Mansbridge (2001) and others that their feeling of solidarity for injustices do not always provide the impetus for oppositional mobilisation for redressing them. Indeed, in her framework, recognising injustice, identifying systematic domination and common interests, devising strategies for action, and feeling able to act on these grounds constitute four tiers through which not all will graduate. Others see the tiers as a conveyor belt of steps toward radicalisation (Githens-Mazer, 2012).

The first two tiers were plainly visible in respondents’ articulations of solidarity and empathy with those injustices, and the latter provided a basis for identifying more systematic predicaments that befell hunters. But to the extent these were acted upon, respondents noted a cowardice and caution to Swedes by which we would be more prone to clench our fists and rant at the kitchen

table, in closed settings, than act on the French model. The former may be seen as a form of dissentful compliance (as understood by Straughn *et al.*, 2005). The French model referred to public symbolic protests staged by farmers resulting in various disruptions in Paris and elsewhere. This mindset did not come naturally to Swedes, and as such resentment would struggle to find a constructive outlet where it could channel into mobilising for change.

It'd take a lot for Swedes to leave their kitchen table.

At any rate, when linked to family concerns and hunting dogs, solidarity *could* be mobilised so profoundly so as to result in some hunters considering breaking the law or at least sympathising with the people who were pushed to that point after systematic lack of uptake and worsening conditions. Although members engaged in an official capacity with the hunting association could never feasibly accept breaking the law, a respondent theorised:

At the same time, psychologically, the problems up in Värmland and Dalarna [...] I mean it's easy for me to sit here in Skåne and say we should have wolves. It's not as easy for those living in Värmland.

I feel bad for all those that are affected by it. Sheep and animals in general. It sure can't be fun to come out and see a mess of blood. Those fucking animals..."

You get a different disposition toward it when you know there's a large carnivore in the woods. It's not the same feeling; you can't let your dog loose.

There are those who simply have it horrible, like in Värmland. I wouldn't dare take my dog off my leash.

I mean, consider the reality because that's not fun. When you have to euthanise your sheep or cows after they've been maimed by a wolf. They don't look so good then.

The predicament of livestock owners coming home to find a ghastly scene of thirty killed or maimed sheep at the hands of a single wolf, and subsequently being accused of improper fencing or even animal cruelty by a flippant CAB officer, was sometimes so devastating that it could result in suicides. One respondent noted how despair and stigmatisation, coupled with the loss of the ability to provide for your family, had effectuated suicides among particularly distraught countryside residents (though mainly farmers). Others said:

You're devastated as they cancel the moose hunt for the third year in a row in Värmland [...] I think it's disrespectful against their way of living and those people that have chosen to reside there.

In some areas they say hunting's all but dried up. I imagine that's quite a big shift for those living in the countryside for the particular reason they're interested in that.

In terms of acts of dissent mobilised from such solidarity, a respondent recalled participating in the Dalarna revolt that boycotted tracking of vehicle-injured wildlife some years back. It is notable this months-long dissent did not actually have a substantive goal in mind; it aimed not for a specific change in a particular policy, but functioned as a protest aimed at generating uptake to hunters on a host of rural issues, with the wolf at the forefront. The respondent noted many hunters had never re-assumed their tracking obligations. Unfortunately, the only real impact of the boycott was the suffering of wildlife itself. And this was the kind of wildlife for whom scant public concern was paid – it was moose and deer rather than charismatic large carnivores, ranking lower on the sociozoologic hierarchy in the public concern.

Another respondent recalled organising a rural revolt that drew from the disenfranchisement of several demographics united by a shared perception of abandonment at the hands of the state. Diverse causes like wolf opposition, unjust EU legislation and lowering the price of milk to the detriment of farmers mobilised protesters outside of the Swedish Riksdag in 2015. A total of 5000 people and 1000 vehicles across Sweden mobilised for this dissent. The respondent noted that the act had been ostensibly successful only; its sensationalism had momentarily captured the attention of the media. It had also resulted in meetings with the minister for Rural Affairs and the preparation of 87 separate political referrals aimed at improving the predicament for rural residents. However, he noted that in practice, there was no real uptake because none of these motions made it through. They were predictably overridden by stronger economic interests, so publicity was for naught.

The idea was to give 500 million in guarantees to farmers. Great, but the banks were not about to lend a cent of that money.

As previously mentioned, it was suggested a far more large-scale and systematic practice of dissent needed to be cultivated within the counterpublic. Hunters who stopped hunting, causing the roads to overflow with wildlife, crops being destroyed and village lawns being torn up by wild boars, could potentially be defended by its function to “jolt people out of complacency” (Hadley, 2015, p. 702). Another hunter argued these tactics were sometimes employed locally. Protesting the legislation of a hunting ban 300 meters within a bird conservation area, he noted the local hunting team's inability to pursue deer into the wetland because of regulative restrictions meant the swarming of

deer into the local community. *We had to put some deer down who were so old they had no teeth left. No one hunted them.* Here, then, such non-action by hunters – both as legally proscribed and as a form of dissent as legislations and permits gradually eased up – could have detrimental impact that would be felt at least locally. Equally, the closing down of dairy and meat production in the countryside would soon put pressure on the city to listen and act. By allying with a key producer group in society, such dissent could coerce the government to compromise.

In counties addled with wild boar, hunters suggested boycotting wild boar hunting would quickly add up to an impact that would be difficult for the public to ignore, as boars would destroy crops. This grammar of protest, indeed to desist, was by far most prevalent. It extended also to considerations that hunters ought to dissent by closing down roads in the countryside to infringe upon the public's much-treasured freedom to roam, in a similar way to how their rights had been infringed upon by conservation regulation.

Finally, in terms of responses to their disenfranchisement, there was ambivalence to hunters' relative passivity in their predicament. On the one hand, it was criticised as passive-aggressive. Acting upon injustices qualified you as an *entrepreneur* and a *doer*: a hunter who was not content to let himself or his neighbours suffer the predicament of wolves. This action affirms what Bell (2015, p. 286) describes in the North American ranching context as a “retro frontier masculinity”, where wolf hunters characterise themselves as paternalist protectors of the community proactively making a change.

Yet on the other hand, the accommodation and patience of hunters vis-à-vis policy and the majority public was also highlighted as moral integrity on the part of the hunting community. Indeed, their failure to retaliate against sabotaging animal rights radicals, who would slash their tires, threaten them with murder and disrupt their hunts separated them from the militant other side. Hunters, on this view, were presented as the bastion of reason, although they threatened this reason had its limits: *We are pretty tolerant. But we're not tolerant beyond all reason.* An implicit directive behind this rhetoric may be a claim of entitlement to get one's fair share based on good behaviour.

Warren (2006, p. 174) discusses this phenomenon of restraint in terms of the “illocutionary force of good manners.” But the phenomenon may more cynically be traced to hunters soberly acknowledging the double standards in the conflict. That is, although retaliation might be justified because one's opponents are doing violent things, if such acts were to be matched by hunters, they would be much more affected by negative consequences though the media's amplification of their allegedly terrible conduct (Martin, 2015). Given the literature's observation that conservationists are quick to “decry such

actions as backward, uncivilized” (Holmes, 2016, p. 310), it may be more effective for hunters in the long-term to refrain from retaliatory violence.

Even if several respondents admitted to radicals existing on both sides of the debates, there was the perception that hunters could often rise above petty actions and compromise. One respondent active in his dissent in terms of staging protests, said there was too much *common sense* in countryside folk to resort to the sorts of violent actions seen by conservationists. He also observed there was less radicalism among rural activists than their opposing parties, including an aversion to breaking the law even in the face of extreme marginalisation. Recalling how he had protested publically outside the government and been approached by the police, he admitted he had quickly withdrawn so as to not step on anyone’s toes. Indeed, hunters had swallowed a tremendous amount of compromise already, and were now seen as needing to be rewarded with uptake for their goodwill and patience.

Ultimately, hunters’ choice of dissent was disengagement. This was the grammar that cohered best with their self-conceptions of autonomy and sovereignty, just as administrative inertia was the strategic action preferred by conservationist actors because of their directive role in the system. For hunters, their disengagement meant included boycotts of tracking vehicle-injured game; refusal to report large carnivore sightings to the CAB; cancellations of annual moose hunts; declining meeting invitations with the SEPA and activists; and withdrawing their votes from the major political parties to instead vote for a discontentment party that was meant to signal loss of faith in the government. It was thus heavily of a character of enclaving oneself from injustices, at the same time as such a practice signalled dissent.

PART III: ANALYSIS

13 Illegal Hunting as a Crime of Dissent

In the analysis that follows and concludes this dissertation, I take a critical look at some of the ways in which we can understand hunters' dissent as constituting a simultaneous *attachment* and *detachment* from the public. This point of departure draws from counterpublic theory and from deliberative disobedience, whereby rather than wholesale condemnation of the public, the counterpublic aims also toward reconciliation with the public. As we have seen in foregoing chapters, however, toward may be a misnomer as the grammar of dissent most present has been that of disengagement from the public, its premises and its participants. This has been accompanied by a strengthening of and increased emphasis on relying on informal rules in the hunting community, seen primarily in the codification of freedom with responsibility.

The analysis section of the dissertation is divided in three interconnected chapters. In the first chapter, I examine Swedish hunters' complex dialectic between disengagement and engagement. Within this, hunters' relative separation from the regulatory regime is unpacked. This is done by consulting the literature on passive forms of dissent such as non-action and non-cooperation. In the second chapter, I explore the ways in which hunters' passive disengagement is operationalised to constitute active political expressions of discontent. This includes consideration of the communicative mechanisms that transform evasive acts, like illegal hunting, into politics.

In the third part, as informed by the previous analysis, I discuss illegal hunting of large carnivores, in particular of wolves, in terms of constituting a *communicative crime of dissent*. Communication is imperative to the goals of a dissenter, given he or she wants to compel the state to make a change. But given illegal hunting's mainly *indirectly* communicative character, this section explores the utility of applying criminology's communicative crimes to illegal hunting: as (1) a hate crime and (2) as a signal crime. Objections to such characterisations are also raised and countered, specifically, that a criminological analysis of illegal hunting as a message crime of dissent

requires undertaking crime signification, by which meanings and messages behind acts are semiotically apprehended by the interpreting agent – in this case me in my analysis. A communicative crime is not, therefore, an ontological concept, but something which is labelled such through analysing its denotational and associated meanings (Martin & Varney, 2003b; Ortner, 1995).

The fourth part of the analysis identifies the *object* of dissent. What was it that hunters objected *to*? In alignment with deliberative disobedience, I argue they primarily object to a deliberative deficit rather than a clear injustice (Rawls, 1999) as in civil disobedience, even if they may occasionally see themselves as protesting rights violations. To unpack this deficit and to clarify to what it is hunters are protesting, this section interrogates in detail the sorts of anti-deliberative inertia encountered in the polity and its implications, including a perceived juridification of wildlife management, the distorting effect of bureaucratic inertia and hegemonic discourses that freeze the debate at a level of deliberative inequality. It illuminates a system that is not deliberative, but marred by inertia and systematically distorted communication.

On Smith's deliberative disobedience, illegal hunting would be a response to the above deliberative deficit, albeit an imperfect one. It is a protest aimed at highlighting and correcting the inertia that one identifies as frustrating the system. But Smith's theory also supposes that disobedience achieves, to some extent, what it sets out to do. That is, it reinvigorates stalled public debate. I will hence need to show that illegal hunting has a discursive opening effect that improves upon the inclusiveness and integrity of the defunct deliberative system. Only if it can be demonstrated to result in positive systemic effects of this kind does the act gain full legitimacy as *deliberative disobedience*. This section thereby examines and evaluates the systemically deliberative prospects of illegal hunting to provide uptake to hunters, which I show are poor.

Although systemic deliberative democrats like Dryzek, Smith, Goodin and Mansbridge write firmly from within the deliberative tradition inspired by Habermas, I want to note that this systemic evaluation of illegal hunting may appear idiosyncratic within the orthodox theoretical precepts of deliberative democracy. According to the latter, the only basis for legitimacy is the deliberative procedure that enacted an outcome. Something cannot magically become 'deliberative' if it has proceeded according to non-deliberative standards, like illegal hunting as a mode of communication necessarily does. Smith (2015, p. 4) concedes as much, acknowledging the intuition that "action should only be described as 'deliberative' insofar as it embodies certain behavioural norms." So killing a wolf cannot accrue the label deliberative even if it resulted in an overhaul of the deliberative system toward the more inclusive by opening up reflection on important issues. Dahlberg (2014, p. 128)

summarises the essence of deliberative democracy succinctly: “It is the process that counts [...] process is more important than the ends.”

A consequentialist justification for dissent is nevertheless partly operationalised by Dryzek (2010), Smith (2013b) and Haacke (1996) among other systemic deliberative democrats. Here strategic action may have deliberative outcomes. Dissent and disruption, Hájek *et al.* (2014) note, are especially entitled to try to achieve legitimate goals by illegitimate means. Deliberative democracy to these scholars does not require all political practices within the entirety of a deliberative system at all times be categorically deliberative. But it does assess them by deliberative principles, as according to how well they provoke debate and enhance the deliberative capacity of the system (Gutmann & Thompson, 2004). Although I work loosely with the term systemically deliberative to denote such acts, I do recognise its oxymoronic character when read within the more orthodox deliberative democracy interpretation. It may therefore better be thought as ‘having a discursive opening effect’ or being constitutive of a deliberative process rather than ontologically deliberative (see also Owen & Smith, 2015).

In chapter 14.3. I clarify my critique toward illegal hunting as a discursive opening practice. Even if it could be shown to promote deliberation in the system, which was a rare occurrence, I argue from a critical theory position that this is not sufficient to legitimate it. We need ways of communication that are both *categorically* and *systemically* deliberative. This leads me to be equally critical of legal appeals mobilised by ENGO and much lamented by hunters in this study. While these fulfil deliberative criteria through their legal procedure they have no discursive opening impacts and reproduce a blockage in the deliberative system. They are systemically deleterious on the whole.

The first half of chapter 15 is an objection chapter, where I raise an important argument from poststructuralist democratic theory (pluralistic agonism to be precise) to challenge the deliberative democratic normativity that underpins my analysis. The critique takes as its point of departure the question: *must* dialogue and politics be civil and deliberative to be legitimate? Can it not proceed in messier ways? In effect, why should we preclude disruptive acts like illegal hunting and various protests from the remit of political dialogue? This is a question that inevitably befalls the systemic deliberative democrat, where not all acts need to be civil, so long as they have a positive deliberative effect. The agonist does not even recognise that deliberative ends need justify the means, but suggests these in themselves must be taken as legitimate political communication. This represents a step further that stretches the parameters of dialogue. As I will argue, agonists’ embracing of dissent elides a more critical reading of these as symptoms of deliberative

deficits which we ought to be compelled to correct, not embrace as part and parcel of politics. It is a false lead.

Finally, a concluding discussion provides recommendations for ways forward toward re-engagement and reconciliation with the deliberative system. This is where my adherence to critical theory and third wave deliberative democracy, associated with deliberative praxis in democratic states, becomes most visible; that is, I search for alternatives that promote emancipation by having both categorically and systemically deliberative credentials. The two ways forward I offer pertain to, first, developing a principled framework for contestatory deliberation that can provide uptake to dissenters' voices. This is to mitigate alternative expressions of dissent from precipitating in society.

Second, I find support to entertain more radical bottom-up alternatives that effectively start at the other end. That is, based on hunters' identified deliberative deficits and distorted channels for public participation, what might the most constructive participatory premises look like for citizens in the future? How do we cultivate such channels to be sufficiently empowered? In this way, two approaches of revamping public participation in effect target illegal hunting from different corners in the deliberative system. With time, contestatory deliberation will gradually cease to be necessary on its own, as deliberative premises in new fora for public participation have in-built forms of citizen contestation, and thus hopefully stave off the kind of legitimacy deficit that would compel deliberative disobedience in the first place.

13.1 Dialectic Between Belonging and Detaching from Public

I have argued that counterpublics aim, in some way, to reconstitute the premises of the hegemonic public to make it more inclusive of their presently excluded worldviews. Part of this reconstitution entails enclaving oneself from the oppressive features of the public to engage in coalition-building; or, in counterpublic terms, the formulation of a shared semantics for the deficit in the public from which *counterpolitics* may then be mobilised (Fraser, 1990). As noted, it is also imperative counterpublics *engage* with, and not just enclave from, the public from which they have sheared off. This means a goal toward assimilation of the counterpublic into the public, dissolving its 'counter' status by having corrected the deficit to which they originally rose in contestation.

In what follows, I discuss the meaning of parallel and sometimes seemingly contradictory enclaving and engaging tendencies on the part of what I have characterised as a hunter-based counterpublic. This is what Brouwer (2006) terms the inward and outward dialectic of counterpublics. Which tendency is strongest, and how is it expressed in the actions and non-actions of hunters? I

trace hunters' disengaging forms of dissent to what I see it a particular grammar of the hunting collective, identified in chapter 7, as one of historically asserting autonomy, apartness, entitlement and sovereignty from the polity.

In this sense, the hunting counterpublic bears similarities to what Mansbridge (1996) characterises as a distinct breed of contestatory publics: satellite publics. As we will recall from chapter three, these have less overt interest in being assimilated in the hegemonic public and prefer rather to be left to their own devices to pursue their needs and interests, as when hunters asked *why the other parties needed to interfere with it* in the first place. Satellite publics may be seen as the sorts of exit doors taken by the marginalised to thrive outside of, or parallel to, a colonised public environment (Tew, 2006).

The satellite tendency of the hunting counterpublic provides a parallel to the dissent literature's concept of a backstage region. This is inasmuch as hunters carve out an enclave closer to the boundaries of the *private* sphere, in which hidden transcripts and oppositional formulations of their identities can be articulated away from the scrutiny of the public (McLaughlin, 2007; Chin & Mittelman, 1997; Scott, 1992). Oftentimes, enclaving from the hegemonic public is an exercise in condemnation of the condemners, understood as the rejection of one's rejector, the state (as by the hunters in Eliason, 2003), in this case: alienated, misguided urban-based conservationists. Insofar as the hunting counterpublic may be understood as a satellite public, it is one which does not expressly wish to co-opt the state apparatus, because they do not see its relevance to their ways of life. It instead aims to restrict its reach into its domain, typical of ruralist movements (Woods, 2003). This domain may be made relatively impenetrable to outsiders by comprising networks of hidden infrastructure (Chin & Mittelman, 1997). To hunters, this infrastructure, often across social media, may have been necessary because of the strong risk of misunderstanding or misrepresentation when they tried to voice concerns within the public as relayed in chapter 5 on the media as microscope.

13.1.1 Pride and Vulnerability

To this end, there are two dimensions to hunters' withdrawal that bear examining. First, it is a move that is associated with entitlement (Preparata, 2013). On this view, retreating from majority society is generally seen as the exercise of relatively strong actors who seek to contain their culture from the larger public (Huijun, 2010). Their withdrawal is motivated on the basis that outsiders are to some extent unworthy, ignorant or corrupt. This element was sometimes visible among hunters' reflections, though hardly definitive. Some hunters openly characterised conservationist members of the public as out-of-

touch ‘ideologues’, radicals and extremists against which rurality was the last bastion of common sense. One that needed to be protected.

The second dimension of hunter’s withdrawal is that while such containment can be traced to prideful sovereignty, it also presupposes that there has been some misrecognition of, or injustice done unto, this collective’s self-worth. It has been questioned in light of changing ideologies in society, and is perceived to be in danger of extinction. This was certainly true of hunters: they now experienced themselves to be stigmatised and ever questioned by a growing urban middle-class, a predicament that underscored their misrecognition in the public. This dimension to withdrawal thus suggests vulnerability is as imperative to enclaving as the containment of one’s strength (von Essen *et al.*, 2015a; McCauley & Moskalenko, 2008).

Disengagement from the public can be taken as a way to re-establish a positive-relation-to-self on the level of a collective like hunters (see Honneth, 1995). This is so, on Ortner’s (1995) view, because withdrawal denotes the rejection of subjectification, understood as categories being foisted upon one’s identity, as backward rednecks, as blood-thirsty killers or as sportsmen looking to legitimate their hobby in utilitarian frames. We saw through hunters’ reflections on meta-stereotypes how subjectification by the non-hunting majority constituted an intractable obstacle to their social legitimacy in the public. Retreat into the counterpublic, evidenced in hunters’ unwillingness to enter into discussions in public media channels, thereby represented the means to shield oneself from these injurious stereotypes; a way to free oneself of the stigma attached with such labels; and the means to promote alternative recognition in closed ranks. The counterpublic provides the infrastructure by which positive recognition can instead be cultivated or regained.

There is some historical continuity to Swedish hunters’ enclaving tendencies in response to corrupt or distorted regulatory regimes. Linde (2000, p. 21) writes that in response to the intractable bureaucracy for commoners to navigating the system, Swedish commoners in the early 1700s were made to “dissent in alternative channels”, located outside of a system that they saw, even then, as stacked against them. Most commonly, he declares, this took the form of disengaging from the spaces and premises of power as means of both challenging and evading them. Their dissent “had a disengaging character; one protested through intentional neglect, non-cooperation and evasions – in brief, through obstruction (*ibid.*, pp. 142-143). The deficits of the 1700s system show striking similarity to those of the present system—including administrative burdens associated with following the state’s agenda for warfare, and the appropriation of land, resources and animals for state agenda.

With the reasons behind their withdrawal clearer, what were some of the ways in which hunters most clearly disengaged in the present? First, hunters displayed an unwillingness to report illegal hunters in their communities (within certain limits) and large carnivore sightings to the CAB. This purposeful and systematic restriction of information to regulatory agencies is understood by Johansson and Vinthagen (2014, p. 7) as “resistance through distance.” In more radical factions, not encountered in this study, hunters are also refusing to report moose kill quotas and to apply/renew their hunting licenses. The latter is speculated to be a form of protest toward what the 300 SEK annual cost of the license actually funds, in this case politics or research that hunters feel is used against them (see P4, Sveriges Radio, 2016). Second, hunters also displayed unwillingness to engage “with the space, time or relations where power is exercised” (Vinthagen & Johansson, 2013, p. 24) by turning down invitations to come to the table where animal rights interests were represented. From a deliberative democratic standpoint, this silent treatment is disconcerting. Gutmann and Thompson (1999, p. 254) suggest “it is generally a sign of hopelessness when a disadvantaged minority abandons the effort to seek support from people who do not share their group identity.” Third, disengagement also manifested itself in reluctance to enter into discussions with urban outsiders in the media or in civil contexts (as in the foreclosure of dialogue in: *I’m not even having this discussion with you*).

13.2 Enclaving as ‘Private-Minded’ Conscientious Objection?

Classical political scholars would no doubt resolve hunters’ disengagement, including their evasions and rejections with the spaces of power, as *conscientious objections* rather than as acts of *civil disobedience*. Such scholars thereby bereave objections of much of their political characteristics. It is a legacy of a separation of the private from the public seen as associated with two distinct modes of dissenting, public-minded civil disobedience and private-minded conscientious objection. Seeking exemption from the regulatory framework is taken to signal a performative termination of relations, inasmuch as subsequent attempts on the part of the condemned party are relegated to mere acts of expression that cannot be parsed dialogue in the sense of mutual exchange of reason (Brownlee, 2012a). Brownlee (2012b, p. 533) suggests that to the extent conscientious objection at all communicates, it communicates “that the law should not interfere with them in this domain” (p. 533).

On this view, when hunters shun the state or conservationists, their dissent misses the mark of a dialogic condition proper because it fundamentally fails to recognise the other interlocutor’s communicative claim rights – to respond and

hold them accountable. We will recall that Arendt provides the perhaps seminal verdict on the non-communicativeness of conscientious objection in her equation of the latter with a soundless dialogue between me and myself, where the act is unpolitical qua its primary concern with the integrity of the self. It is not surprising, therefore, that conscientious objections have been relegated to the private sphere in liberalism (Ceva, 2015). I emphatically challenge this in this dissertation. I am not alone in trying to partly rescue conscientious objections from the private sphere (Dworkin, 1986; Gray, 2015). Scholars critique this dominant perception for painting a Goffmanesque view of the private as an off-stage realm untouched by politics and power (Butz, 2002; Gledhill, 1994). They observe conscientious evasion may be a passive form of dissent, but that it is neither unpolitical nor non-communicative. Indeed, hunters' refusals were now often both systematic and coordinated, such as boycotts, in a manner that is difficult to resolve as anything *but* political.

The political character of hunters' disengagement today may be traced to the counterpublic dialectic noted in previous sections. There are always two sides to this coin; Lovell (2009) argues that every crime of dissent simultaneously denounces one ideal and affirms another; to say no to abortion, for example, is to say yes to gospel. Negation and affirmation are two inextricable components of dissent also to Caygill (2013). Hence, hunters' negation of formal rules did not result in a vacuum, but in cultivating parallel legal self-assertion that was built from praxis. I observed the credo of *freedom with responsibility* had been codified as a parallel normative order in the absence of legitimate formal regulation (von Essen & Allen, 2016c). This also parallels the "unifying, governing force" that the code of fair chase is expected to provide within U.S. hunting communities in the absence of legitimate state law to guide them (Hanna, 2006, p. 255). But where hunters' disenfranchisement led them to desert public institutions, they also cultivated parallel institutions like associations like Våga Vågra Varg and its associated alternative hunting association Folkaktionen Ny Rovdjurpolitik.

Further, while withdrawing one's vote from the political party system altogether is overwhelmingly a negation, when hunters cast their vote in favour of the Swedish Democrats *to give the system hell* they articulate a targeted alternative. In similar terms, the act of illegally killing a wolf may be taken both as the denunciation of policy *and* as the affirmation of competing ideals of sovereignty, autonomy and the inviolability of property rights or cultural heritage (see Muth & Bowe, 1998, for an example of this argumentation behind illegal hunting). The hunting counterpublic thus embodies a dialectic between the withdrawal from the public, and the more proactive formulation of alternative counter-politics used to challenge those of the dominant public

sphere (Brouwer, 2006). As Johansson and Vinthagen (2015, p. 126) contend, “being a ‘space of exception’ does not preclude at the same time being ‘a space of resistance’ from which proactive politics may be launched.

This dialectic also manifested itself in competing desires to be autonomous on the one hand (*we take care of our own*) and connected on the other hand, in terms of willing to build coalitions with other factions to proactively engage with and challenge the dominant public (as in Seel & Plows, 2000) and to establish neutral ground with conservationists, even if hunters were ambivalent on this score. Further, hunters’ endorsement of the initiative for a new wildlife management agency, and their recognition that the urban and rural needed to come together because they depended on each other in a *yin-yang fashion*, may be taken as testaments to a desire for reintegration that countered some of the more militant autonomy manifested by some hunters. Acknowledging such a dialectic, on Baxter and Montgomery’s (1996) view, can make sense of the seemingly contradictory ways in which a relational unit simultaneously interacts with or shuns the public. It is one that is more complex than understanding it in terms of an offensive and defensive strategy.

From a point of departure of deliberative democracy, the dialectic can be explained in terms of autonomy requiring both distance and proximity to others or, in Habermasian terms, requiring a public and private character (Moraro, 2014). The danger is if the hunting counterpublic tips too far in either direction. Should the hunting counterpublic prioritise engagement with politicians, or reach out to and opportunistically ally with mainstream actors, they would risk assimilation into the public without instigating the necessary change that could only come from operating from more oppositional counterpublic infrastructure. To explain this, part of the prerequisite and strength of the counter label to counterpublic lies in its rejection of public premises and channels. It has to offer something alternative and oppositional, and this needs to be cultivated first in protected enclaves, as opposed to in extant political institutions. At one point, of course, participants will need to make use of the counterpublic juncture as an oppositional platform by *engaging* with others. But outside engagement provides only a partial picture of counterpublic activity, where internal rhetoric sustains its core (Chávez, 2011).

Contrariwise, if hunters should tip far into the direction of private autonomy, and disengagement were to constitute the entire grammar of hunters’ dissent, they would admittedly retain their prideful counter status. But they would also risk losing their public status on account of practicing the kind of withdrawal that could revert the counterpublic back into a satellite public. Here, there is less wish to correct exclusions in the premises of the public and a stronger dimension of apartness in the face of injustice (Rothfus, 2012). This

defeatist mood was expressed by many hunters in this study, reflecting hunters' aspiration toward apartness rather than reform (Barker *et al.*, 2013). In extreme cases as relayed in chapter 7, hunters saw the landowner as the sole decision-maker of wildlife issues; he needed to answer to no one. Against this risk, Topepfl & Piwoni (2015, p. 469) write that counterpublics must fight the tendency "to be separatist or isolated enclaves of discourse. On the contrary, their central function [must be] to engage in publicity and break up hegemonic consensual patterns within dominant public spheres."

Importantly, as Ivie (2015, p. 52) the counterpublic is likely to descend into "sheer antagonism and alienation" in society if this is not done. Krangle and Skogen (2011) likewise demonstrate that if hunting subcultures in the present assert *too* much private autonomy by disengaging, they also circumscribe prospects for any future political access. It results in the isolation of the hunting collective from public scrutiny, and a subsequent radicalising effect on views (Huijun, 2010; Talisse, 2005; Sunstein, 2002; Mansbridge, 1999b). When parties ultimately come together, they may therefore find themselves with inchoate views that foreclose the possibility of agreement.

Of course, there are not merely consequentialist arguments as to why the hunting counterpublic cannot justify self-determination and apartness from the public. The kind of self-determination desired by hunters in this study "hold only within certain limits" (see e.g. Rawls, 1993, p. 38). One limit is that it cannot result in the subjugation or harm of another people. Hunters might ostensibly claim self-determination of their counterpublic by appeal to hunting as a private cultural practice that does not subjugate other peoples, as they did in this study (e.g. *I don't see why the other parties need to interfere with it, Hunting is a very private matter and Where's the harm?*). But there are three challenges that can be made to this appeal. The first is that wildlife is a public good (Nurse, 2016). This is compounded by the Swedish tradition of Freedom to Roam, where game can be pursued on public land. On this argument it is unjustified to grant one people autonomy of a shared resource.

The second challenge is that while hunting may not *directly* subjugate another people, partly because hunters follow strict codes of safety to protect the public (bar the hunting accidents that inevitably occur each season), hunting practices may infringe on the *environmental rights* of the broader public. On this environmental justice argument, people have a fundamental right to environmental goods like biodiversity and a thriving common fauna (Laurent, 2011). If hunters are permitted to govern and denigrate these without public oversight and accountability, the case may be considered they are subjugating another people by proxy. Or, otherwise, that their "exit amounts to free riding on common goods" (Warren, 2011, p. 689). The counterargument to

this, of course, may be the broader public suffers little in the way of basic rights violations or material consequences as a result of e.g. wolves being culled by hunters. As we saw in Hanna's (2006) argument, the miniscule impact suffered by non-hunters cannot provide the basis for restricting rules that apply to hunters, for whom the matter is hugely important. A way around this, however, might be to use hunters' own argumentation against them to argue that large carnivores, and the wolf in particular, in fact constitutes the "property" of ENGOs and conservationists in the public which will be elaborated in 14.1. Hate Crime. On this perspective, harming the property of another people necessitates the inclusion of public oversight and accountability. As much as they want to, hunters cannot turn away from the public and do this at their discretion.

The third and final challenge to the hunting counterpublic's assertion of sovereignty is one of species justice. Rawls' theory is notoriously anthropocentric. The primary argument against hunters' self-determination would be practices subjugate or limit the rights of other *humans*. As in the foregoing paragraph, this could best be demonstrated as a limited proxy based infringement on people's environmental rights, and so was not an especially strong claim. But animal rights and scholars and green criminologists now challenge Rawls to argue animals, too, can be victims of rights violations and recipients of justice (see e.g. Garner, 2013, Wellsmith, 2011). Clearly, hunting would be a prime example of this. On this argument, it is not justified for hunters to enjoy total rights of self-determination without being held publically accountable. I will return this argument in the next chapter (in section 14.1.)

This section concludes it is problematic for Swedish hunters to withdraw from the public when they experience disenfranchisement. It is problematic both for practical-deliberative reasons, in terms of risking further alienation and the radicalisation of attitudes to the point of a breakdown of communication, and on a rights-based rationale: hunters cannot presently withdraw into a sovereign jurisdiction because the status of wildlife, whether as direct rights-holders or as constituting a good of the public, demands the public must also have a say in how animals are governed, managed and shot.

13.3 Hunters' Dissent as Continuity or Intervention?

When hunters' and their dissent are referred to as 'radicalised' and 'counter' to the public, the implication is that hunters have departed from the mainstream. In the following section, I show this is not necessarily the case, but that one needs to expose the historicity of the hegemonic public at any one time to determine who has radicalised and who has remained conservative. The

hunting counterpublic may in fact be one of three things in relation to this premise. That is, the counterpublic may be characterised as (1) an entirely new outgrowth of values and identities, and not the response to any deficit in the deliberative system (2) a counter reaction to a specific deficit in the deliberative system or (3) neither; but as a collection of individuals and practices that simply reproduce a continuity of tradition, but which now happens to be criminalised.

I believe short thrift can ultimately be given to (1) because counterpublics necessarily result in response to deficits in the public. They are parasitic upon the hegemony (Lilja *et al.*, 2013; Arnold, 1970). This may always hold true to varying degrees for any social movements which must be understood from a relational ontology. Indeed, it is difficult to conceive of any new social movement as forming in a vacuum. They are always constituted by some otherness. The hunting counterpublic, on this analysis, is resolvable as an alternative formulation to the hegemony of a global bio-conservation agenda and its distorting effects on the deliberative system. Skogen and Thrane (2007, p. 21) endorse this view for disenfranchised hunters in Norway whom they contend have mobilised around a negation of city life where “Their love of the countryside and their scepticism toward urbanity...” should be understood “...not merely as preferences, but as critical attitudes toward the general development of modern society.” Hence, the hunting counterpublic qualifies not as (1) a new outgrowth of independent values but as (2) a counter reaction to hegemonic premises and values. Its dissent serves as “the expression of a rejection of a hegemonic form of life” (White & Farr, 2012, p. 44) and is thus contingent upon the hegemony for its existence.

To the extent the hunting counterpublic qualifies for (3), the continuity of customary hunting practices, merely designated as ‘counter’ because it is no longer reconcilable with the current public ethos, this interpretation no doubt commits a response. If it can be found to apply, it challenges the attribution of the concepts counter, radicalisation and dissent to those practices which may be the mere continuance of tradition on the part of hunters. As Ortner (1995) asks, when a poor man steals from a rich man, is this resistance or simply a survival strategy? Peluso (1992, p. 14) similarly questions whether age-old survival strategies turned to “in the absence of viable alternatives” may truly be considered dissent. The question we might pose to the hunting counterpublic is thus: when hunters kill wolves, do they dissent toward the regulatory regime, or are they merely reproducing their cultural heritage?

There is no compelling reason it cannot be both. Holmes (2007) suggests, on his reading of Kull’s (2004) implicit protest, that illegal hunting may comprise both custom and protest – or both material livelihood gain and

political statement. There is a pragmatic sense in which hunters merely undertake traditional lifestyle strategies at the same time as the fact that such strategies are now criminalised necessarily imbue them with an element of dissent, whether or not dissenters intended this from the outset. Hunters often emphasised the ancient tradition of persecuting wolves to the point where failure to do so used to constitute a subversive act that violated common law (see e.g. Nyrén, 2012; Tillhagen, 1987). Linnell's statement (2013, p. 34) to this effect suggests modern hunters face radical discontinuity: "There are people living today who grew up in a world where they were paid by the state through bounties to exterminate these species in the name of progress, whereas now they would be jailed for doing the same thing." It suggests an erratic shift that supports the notion that when hunters illegally hunt wolves, they are merely seeking cultural continuity in the face of political upheaval.

But Linnell's statement and (3) the view of the hunting counterpublic as continuity of tradition are also problematic for several reasons. For one, they obscure the reality that there is little in the way of an *embodied* tradition, in the sense that hunters *today* have living memory of hunting wolves. Indeed, wolves have been scarce or non-existent in Sweden since the early 1900s. Hence, not even grandparents of hunters interviewed in this study would have much personal experience with this form of hunting. We observed as much in chapter 9 where hunters had to re-learn the techniques for wolf hunting in preparation for the license cull that winter. As contended by Ghosal *et al.* (2015), claims to the contrary predicate on invented traditions in the 21st century (Nyrén, 2012; Finch, 2007; Hobsbawm & Ranger, 1992). Or, as argued by Egan (2014) in the case of defending English fox hunting, rhetorical tropes hunters shore up to legitimate contemporary controversial practices. These scholars' critique is not unexpected, as hunting defenders often use historical precedence and cultural heritage to legitimate their practices in a changing society (Kretz, 2010; Simpson & Cain, 2000). They are critical toward the legitimation provided by tradition, stating we cannot invoke it as a cosmic sanction for past practices (Moriarty & Woods, 1997). To do so, smuggles in claims of moral correctness (Kretz, 2010). Values and social orders change and we no longer sanction all the things we used to do, like slavery.

Second, the characterisation of (3) the hunting counterpublic as the natural state (which has now been erratically criminalised by government) sometimes uses the following anaemic argument: the hunting practices that are now contentious are instinctual to man, for example the defence of one's property against a wolf. Hence, what is natural cannot be judged as immoral (Curnutt, 1996). This argument is predicated on a view of hunting as a natural good that should not be regulated, as to do so is to compromise human nature. This, of

course, becomes difficult to substantiate. Although several hunters in this study associated hunting with the return to naturalness (and hence the implication that modern society represented some unnatural interference in this state), most conceded in chapter 5 that hunting was ultimately a cultural practice. As King (2010, p. 156) argues, hunting is “an activity within civilization, not an evasion of it, just as a vacation from work is part of being an employee, not an escape from it.” Hence, the characterisation of the hunting counterpublic as either the natural and/or traditional exercise of man must be seriously questioned.

While this argument means moving toward endorsing view (2) the hunting counterpublic as representing an oppositional response to public premises, it may be precarious to dismiss entirely the cultural-material basis on which hunters fashion their arguments. To suggest wolf hunting is a wholly invented tradition or embellished rhetoric implies deceit. While contemporary hunters may have little in the way of a *embodied* experience of the phenomenon, wolf hunting may be enough of an ingrained custom and legacy globally and historically that there is little sense in which hunters conjure it out of thin air.

In light of this discussion, the hunting counterpublic may be taken as a combination of (2) and (3). It is importantly a response to dominant ideals. But it is also grounded in a rich tradition of ancient social mores for how to hunt. It seeks to get back to a foregone status quo and so is mobilised on the basis of conservatism rather than progressivism. Hunters routinely charged the non-hunting public with having changed its tune and radicalised. Environmentalists rose as a counter-movement from below and became hegemonic (and not in all circumstances). Where the wolf is concerned, the second half of the 20th century saw environmental awareness and ecological research alter the dominant discourse about wolves to the point where pro-wolf attitudes were now hegemonic (Masius & Sprenger, 2015). It was this hegemony that effected the criminalisation of hunters’ relationship with the wolf.

To recall, the public had now lost its moderation to hunters by departing from the shared mainstream view. The morality by which hunting is now a questioned practice is sometimes held to denote little more than transient judgments of right and wrong (Causey, 1992): so-called *malum prohibitum*, “acts that are criminal not because they are inherently bad, but because the act is now prohibited by law” (White, 2016, p. 306). On this ‘same-as-it-ever-was’ argument, hunters argue the society around them is changing and becoming counter to a more ancient norm, whereas they stay the same.

In summary, one must be critical toward the application of concepts like counter, radicalisation and dissent as these are contingent on particular status quos. For example, one might be sceptical toward hunters as dissenters for the same reason one may be sceptical toward seeing hedge fund managers who

mobilise against the Occupy Wall Street movement, as dissenters in any real sense. Occupy Wall Street was itself a counter-movement that challenged the existing status quo. Are attempts to ‘get back’ to a status quo dissent, or are they stabilising endeavours? I contend that despite this epistemic challenge, one must also attend to the reality that status quos *do* change with paradigms; it is hence rarely insignificant when citizens choose to go against it for all the costs this incurs. The majority response is to get on-board, so failure to do so may be reflective of deeper disenfranchisement, as in this study.

13.4 From Passive to Active Dissent

In the following section, I consider how hunters’ covert or disengaging forms of dissent (including ‘shoot, shovel and shut up’ as the paradigmatic expression) may be transformed into proactive protest that is clearly public-rather than private-minded (Adnan, 2007). On the one hand, it is evident that this transformation occurs perhaps most profoundly on the level of analysis of the phenomenon one studies; it is a task of scholars to recharacterise the often diffuse ways in which criminals express discontent as expressions of social and political critique (Rothfus, 2012). But such transformation can also be undertaken by hunters themselves. I explain this as hunters’ discursive harnessing of the symbolic features of dissent, which makes the *act of dialogue* the primary mechanism for turning passive dissent into active dissent.

It may first of course be argued that even conscientious objection is directly communicative on its own, needing no one to speak on its behalf in public settings to give it meaning. This is so, because communication scholars increasingly ascribe direct communicative characteristics to acts of silence and omission. On this view, abstentions and non-action speak as loudly as positive engagement (Martin & Varney, 2003a). Silence and withdrawal possess meaning (Craig, 2009) in a way heretofore depoliticised and dismissed by democratic theorists as passive disaffection (Craig, 2015). These scholars recognise communication can never break down insofar as the absence of communication still constitutes communication (Chang & Butchart, 2012). As such, ostensive disengagement is still seen to be part of a moral dialogue between dissenters and authority (Smith, 2011). Similarly, non-cooperation is still an act, albeit a passive one, because absence of action is a contradiction in terms (Martin & Varney, 2003b). It communicates by constituting “propaganda of the deed,” whereby the drama or the silence of the non-act itself communicates non-linguistically (Martin & Varney, 2003a, p. 215).

Wee’s (2004) characterisation of extreme communicative events, for example, demonstrates that silent acts possess illocutionary force by containing

unspoken directives. They are hence modes of self-disclosure similar to speech acts (Gray, 2012). On Eckersley's (2004) argument, hunters' decision to exit negotiations with others would signal not the termination of communication and passive disaffection on the whole, but that they are fed up with the way things are going here, and are hence taking matters and voice elsewhere. The temporary withdrawal amplifies the meaning of their silence in the public. This is clarified by Gray (2012), who takes silences and abstentions in conventional channels of political voice as demonstrative, associational or repudiative acts that communicate in the same register and with the same inferential structure of containing implicit imperatives for action as the vocal ideal. His perspective shows promise in countering the predominant bias in democratic theory to individualise and privatise silence and conscientious refusals, seeing them instead as a mode of non-linguistic communication.

For the most part, however, hunters' dissent seems to have followed a logic whereby conscientious refusals graduated into the more public-minded disobedience, as described by Ceva (2015), by way of public communication. This may also be partly permitted by Gray (2012), in the sense that abstentions shift the burden of interpretation onto others. Here, what started as evasion, such as the failure to report large carnivore sightings to the CAB; the unwillingness to pay taxes to support a corrupt system or the decision to *hide the wolf in the bushes* rather than invoke the lengthy and stigmatising process around paragraph 28, constituted dissent whose symbolic features were harnessed by other hunters to give meaning to a pattern of dissent. My point is these acts are not resolvable as dissent until they are discursively deployed by someone as such. In their reading of Scott, Hájek *et al.* (2014) posit that the political consequences of infra-politics – the kind that is not organised, public nor intentionally political – acquires a political meaning retrospectively. Ryan (2015) offers a straightforward account by noting that the framing of the political significance of everyday practices reinterprets acts as dissent.

As an example of retrospectively attributed dissent, we will recall that hunters had little choice but to honour the hunting prohibition around a protected wetland of birds, but their desisting from hunting resulted in the unsustainable proliferation of crop-raiding deer in the area, which encroached on public lands. Observing the effects of this, hunters realised their abstention from hunting could be harnessed strategically as a cost-levying coercive act: grant us hunting concessions in the area or listen to us more generally in politics, or see the deer overtake the village and cause damage. Desisting from hunting on the wetland was in part the accommodation of the prohibitive legislation by hunters, but was also discursively operationalised as dissent in another context (Hollander & Einwohner, 2004). This is supported by the claim

that the social or political setting in which one discusses an act – in effect, with whom and why – can determine the genus of dissent (see also von Essen & Allen, 2015). This was aptly illustrated in Mariki *et al.*'s (2015) interview study with illegal hunters in Tanzania, who promptly asserted the illegally killed elephants had ‘accidentally’ fallen off a cliff in one part of the interview, while in another context in the same interview described the event as protest.

The perhaps primary way in which disengaging dissent by hunters was transformed into a public dissent, however, was through proxy communication by others: a semiotic reinterpretation for political causes. This entailed anonymously publicising the symbolic constituents of the dissent to ensure it sent the proper signal of denunciation (Welchman, 2001), while hiding being a barrier of ignorance (Scott, 1985). The ways in which hunters expressed ignorance while simultaneously – and in no uncertain terms – validated the occurrence of a phenomenon like illegal hunting, were both creative and sophisticated. Euphemistic expressions and veiled threats were deployed to demonstrate, first, the occurrence of illegal hunting as a *natural consequence* of receiving no uptake in the public debate over wolves, at which one they saw that an increasing number of hunters would be sent over the edge; second, as an anticipated outcome following cancelled license wolf hunts, and third; through reflections *on knowing someone* who had, or would, break the law.

In these ways, hunters were able to anonymously or hypothetically validate the occurrence of illegal hunting as a crime of dissent toward the regulatory regime. They imbued the quiet crime of ‘shoot, shovel and shut up’ with an injunctive silence (see Gray, 2012), amplifying its inferential consequences. Talking about peers was an indirect mode of communication that could reveal personal values and concerns. It was also understandable, as voicing controversial opinions on illegal hunting would entail unnecessary costs (Martin, 1994), even in an interview setting. There are criticisms, however, toward permitting anonymity to undergird dissent to this extent. It is said to cast serious doubts on the sincerity of one’s conviction (Brownlee, 2012a). In this way, talking anonymously about others is irreconcilable with a dialogic condition to the point where Anderson (2003, p. 97) argues it “removes the very ground for dialogue.” This may be true for any mutually constructive *dialogue*, but anonymity and indirectness certainly enabled hunters to get their *messages* of dissent across without having to bear witness.

There were additional ways in which hunters could safely bypass the need for publicity by having an open – if one-directional – line of communication to agencies like the SEPA. Here, the illegal kill of a radio-collared protected wolf may go unannounced in the public, but its radio collar will immediately signal its death and location in a direct link of communication to the authority.

Similarly, by killing a wolf and placing its radio-collar on the back of a truck headed for Germany to confuse and frustrate authorities, hunters demonstrate their awareness of the communicative link in subverting authority (von Essen & Allen, 2015). In more direct dissent, hunters have sent body parts of the dead animal to the SEPA or the CAB (as Hagstedt & Korsell, 2012, demonstrate in Sweden). Hence, shoot, shovel and shut up may appear non-communicative. But this can be challenged by a retrospective proxy communication by peers (von Essen & Allen, 2015) or by a scholarly recourse to the tautological impossibility of voiding communication in the first place. Whether it speaks productively or in a way which can fulfil a deliberative or dialogic condition is another matter to be addressed in chapter 14.

14 Illegal Hunting as Communicative Crime of Dissent

If communication constitutes the primary mechanism by which illegal hunting is operationalised as dissent in the public realm, a question that remains is: what is the substantive message we can take away such dissent? Can we nuance the statement made by illegal hunting beyond e.g. Brownlee's generally worded 'denunciation of policy'? The following section examines the substantive content of the dissent that is being communicated by drawing from criminology's understanding of communicative crimes of dissent. Hence, I unpack the illegal killing of wolves as a *message crime* in two criminological concepts: a hate crime and a signal crime, which both sharpen the focus on the statement and meaning behind the dissent.

That illegal wolf kills have been taken as message crimes and hate crimes has been observed in recent literature (e.g. Sollund, 2014; Hagstedt & Korsell, 2012; Tønnessen, 2010b). But these have mainly been cursory references that have not engaged with the problematic implications of hate crime designations, including the issue of the moral status of the animal killed and its impact on qualifying as either a direct target or intermediary in a hate crime. Nevertheless, the section concludes that hate crime can be a resource to counterpublic theory because it is a theory of dissent that sees the importance of holding the community and its broader climate responsible.

14.1 As Hate Crime

A hate crime presupposes hatred. But to what extent may the wolf be said to be the subject of hatred, in this study and in others? On the one hand, the wolf has been emblematic of evils across centuries of folklore (Theodorakea & von Essen, 2016; Sharpe, 2001). Historical sources, in particular, construct the wolf as an enemy that would mobilise whole communities in battues. In the present

day, the wolf is an enemy that has the potential to unify communities, but hatred is may be directed toward the wolf as a threat of urbanity's nefarious biodiversity conservation agenda rather than anything else (Skogen & Thrane, 2007). However, in terms of aversion to its species-specific characteristics, hunters in this study accused the wolf of cruelty and thrill-killing which, unlike in the case of the lynx, could not be offset by its aesthetic qualities. Tønnessen (2010b) found Norwegians similarly abhor the essentialist characteristics of the wolf, which provide the functional basis for some level of hatred.

On the other hand, wolves in themselves were mostly subject hatred when they were taken to violate terms of co-existence. As sovereign wildlife, they were valued by hunters for their wildness, but certain developments qualified this predicament. These included wolves moving closer to human settlements (Ericsson & Heberlein, 2003), preying on domestic animals, being given names by ENGOS, hybridising with dogs or requiring hands-on human management like costly helicopter relocations. It resulted in something not dissimilar to hate because the animals had violated certain terms for co-existence. This sort of contractarianism for animals is, of course, unjustifiable, but praxis shows that we often operate with the idea that terms of an implicit contract for fair interaction can be breached and demand retribution especially where wolves are concerned (von Essen & Allen, 2016b).

It is not surprising therefore that scholars have intimated hatred may provide an explicit motive for the illegal killing of wolves that have breached these terms. Hagstedt and Korsell (2012) discuss it in terms of a hate crime, while Sollund (2014) and Tønnessen (2010b) trace motives of revenge and resentment that culminate in the taking of a wolf's life. We have already seen how hunters' deep attachments to their domestic animals and dogs, and their uncertainty around children in wolf-dense areas, provide powerful motivation for rationalising instances of wolf killing. Taken further, studies on wolf conflicts suggest hunters are not averse to thinking of particularly nuisance wolves in terms of criminal and serial killers (Bell, 2015), as if they are moral agents. But armed with this knowledge, this begs the question: are illegal killings of wolves really hate crimes in any *meaningful* sense?

Hate crime is a particular species of the genus of criminology's message crimes, insofar as the act conveys something more and to others than the immediate target. Indeed, the fact that those wolves killed are not usually the same ones that have caused damage, or those which killed hunting dogs (Tønnessen, 2010b), means that like a hate crime, the victim has taken on symbolic characteristics of representing a group to whom the real message is relayed. When hunters kill wolves, there is also a direct action implicit in the crime that may make message-sending ancillary to the act: they incapacitate a

predator and bereave the forest of one less wolf. This line of reasoning is not unique to wolves: a homophobic mob that kills a homosexual in a hate crime sends a discouraging message beyond the target, but they also rid the world of one less homosexual in a practical sense, providing, in their view, some relief to the community of which he or she was a part.

But is the notion that the message of a hate crime involving wolves is in fact directed toward other wolves inherently absurd? It is true that wolves cannot reasonably cognise messages of retribution or deterrence, let alone a dialogue on justice. Second, that wolves merit the kind of hatred that could motivate a hate crime is difficult to argue in light of wolves not being moral *agents*: the harms they inflict upon others and animals are unfortunate, but not immoral because animals cannot be unjust (Regan, 1995). Despite these objections, it is striking to see that hunters have sometimes operated with the intention of sending a message to other wolves. Whether a pragmatic management strategy or a message system of retribution, hunters advocate shooting wolves to discourage their trespassing without shyness. The narrative here is to ‘teach the wolf’ to stay away from humans by re-instilling a sense of fear in them can only be brought about by making a violent example of its peers. This line of thinking may be scoffed at, but informed the more gruesome historic wolf hunts, where wolves could be strung up, lynched, skinned or their pups tortured and displayed for other wolves to see (Tillhagen, 1987). This was called “the Swedish System” (Bergström *et al.*, 2015), and may have served as a proto-hate crime imbued with threat and retaliation.

But given hate crime of this sort hinges on a problematic construction of wolves as moral agents who can be communicated with on the level of reason and recourse to justice, it may be more productive to consider the message in a hate crime as directed toward ENGOs and animal rights activists behind wolf conservation. This is a case of vicarious harm by which the wolf is an intermediary—its kill an act of property damage. By killing their pets, one sends a message of hate to its ‘handlers’ (for similar framing, see the case of horse maiming in 1990s England where victim-owners construed themselves as the targets, Yates *et al.*, 2001). This is the case, for example, in East Africa, where killing protected wildlife is done as protest on the premise that wildlife is clearly taken as the property of the state, given it “puts so much highly visible effort into protecting them, and so attacking them is a means of attacking the state” (Holmes, 2016, p. 313), but also in Finland, where “wolves are the property of the state” (Ojalampi & Blomley, 2015, p. 22).

A classical communicative view of terrorism, for example, would take illegal hunting as a hate crime where wolves are message generators (Schmid & de Graaf, 1982). Defunct radio collars or the delivery of wolf body parts to

state agencies or ENGOs carry the message (von Essen & Allen, 2015). I suggest that this may be equally problematic to defend today as the notion that wolves are moral agents with whom a dialogue over justice can be held. That animals are property, particularly the sovereign category of wildlife, is greatly contested (Smith, 2012a). Green criminology criticises the dismissal of wildlife crimes as victimless crimes because of a legacy of animals as non-subjects (Wellsmith, 2011). For damage to property to get at anyone individual, there also needs to be a clearly identifiable owner of the property (Hadley, 2015). Hence, hunters' recent attribution of wolves as the pets of ENGOs may not cut it because it is mainly symbolic and not literal.

Notwithstanding these claims to consider wolves direct victims rather than means at getting at someone else, there is clearly a very relevant sense in which wolves categorically cannot approximate victimhood status to the same extent as humans, which green criminologists typically overlook. That is, victimhood is often explained as a partly cognitive state, something which does not obtain for blissfully ignorant animals (Palmer, 2010). At the same time, the total denial of victimhood to wolves in illegal hunting also ignores some hallmarks of victimhood championed by criminologists: most significantly, that the currency of the ideal victim in criminology is its vulnerability, innocence and weakness in relation to the ideal offender—the illegal hunter. On this view, animals certainly qualify as victims better than many humans. As Fitzgerald (2010, p. 136) argues, animals are a “quintessential example of ‘those most vulnerable’ [...] at perennial risk of being victimized at the hands of people” in a way that should compel victimology to broaden the scope of its victims to non-human animals. Even if the wolf is not a traditional ideal victim, then, it nevertheless fulfils some interesting criteria.

What would it mean for the disobedience dimension of a hate crime if we were to endorse the wolves-as-property of conservationists view, or the wolves-as-direct-victims view presented above? Most significantly, I believe, that by endorsing the view that wolves are the direct victims in a hate crime, the act would be difficult for hunters to legitimate as any principled form of disobedience. After all, fatal violence violates civility, and civility is a prerequisite to disobedience. If we instead suggest the hate crime is directed toward conservationists and merely uses wolves as means (von Essen & Allen, 2015), civility remains on the table. Killing a wolf is tactless, but per definition the harm here is not necessarily uncivil because civility is a property ascribed to human individuals (Zinn, 1980). In fact, the scholarly consensus appears to be that damage to property ought to be accommodated within the parameters of civil disobedience. In Medearis' (2005, p. 70) words, it would be outright

precarious “to suggest that a social movement could never act in such a way as to hinder others’ full and exclusive enjoyment of their property.”

Nevertheless, in either case it could be argued illegal hunters violate communication ethics, given their dissent must be about opening a moral dialogue over justice. Hunters do not do this; their illegal killings rather preempt such discussions from taking place (discussions, for example, on whether the wolf now needs to be downgraded in its protected status in the Annexes) by asserting a kind of epistemic confidence that the question of justice in this case is already settled and can be enacted by a wolf kill.

In summary, what, then, is the significance of the hate crime discussion? First, it is to interrogate (and potentially rule out) the ways in which illegal hunting may be taken as a communicative crime. First, I have argued to invoke the hate crime label for animals, we need to be much clearer about their moral standing to make a strong case. There is reason to follow this discussion, however, as green criminology challenges received notions of both property and victimhood that complicate the analysis of disobedience toward or on behalf of animals (see Huijun, 2010; Hettinger, 2007; Vanderheiden, 2005). Second, I have argued the idea of retaliatory killing of large carnivores is overstated by researchers (Liu *et al.*, 2011) because it represents an easy level of analysis that fails in uncovering the real source of hatred.

The third and final point I want to emphasise is that whichever constellation of hate crime one endorses in the case of illegal hunting of wolves, the designation of hate crime compels us to explore the climate in which such hate could proliferate. This is an important resource that hate crime can add to an understanding of illegal hunting in the context of a counterpublic. Where crimes are usually resolved through cost-benefit calculations of rational individuals in criminology, hate crimes are understood on a more promising normative interpretation; they are seen to be collective undertakings, even if only a few carry them out in practice. On Held’s (2002) view, the climate in which such attitudes are socially transmitted, and the support provided by peers, increases the likelihood of such crimes taking place. In short, the acts rely on a particular culture sustaining them (Vinthagen & Johansson, 2013; Lovell, 2009). This is affirmed by the literature on resistance, with Scott (1985) noting the importance of climate of opinion and folk culture in legitimating dissent. In the work of Pohja-Mykrä (2014-2016) the power of the local community – or, more broadly, the hunting community in Finland – is a pivotal driver to illegal hunting, through overt encouragement, financial support or tacit approval (Bell *et al.*, 2007).

It is of course important to note that community support for illegal hunting, insofar as it can be termed as such, can take on many forms, and may be

differently understood by people depending on the depths of their personal commitment, their insider-outsider status and more (Holmes, 2016). It has been shown, for example, that illegal hunters may in fact overestimate the amount or intensity of support they receive from their communities (von Essen *et al.*, 2015b). Regime- or wolf-sceptic opinions never meant to be acted upon by those who express them, may provide unwitting fodder for the radicalisation of those on the edge. In this way, a moderate majority of hunters may become unwitting abettors to illegal hunting by a radical minority.

Taken to its extreme, it might be argued the Swedish Hunting Association promotes the kind of extremism among its members that culminates in the hate crime of illegal hunting by a few. While categorically condemning illegal hunting in its official stance, it is clear that the opinions of employees at the association published on their personal (but not private) blogs at the site or in articles in their magazine *Svensk Jakt*, take a far more critical stance. This phenomenon was observed by von Essen (2015) and recently scrutinised by the Swedish Radio investigative series '*Kaliber*' in 2016, which concluded a privately critical discourse operates beneath the government-loyal one on the level of the association. Hence, when individual employees blog in exasperation about the wolf problem, they could be construed as contributing to a climate in which such acts are encouraged. Even if it would be untenable to argue they should be held legally accountable for these crimes, there is an important discussion to be had regarding the discussion climate perpetuated.

14.2 As Signal Crime

Like hate crimes, signal crimes convey statements about the current order by signalling something that is not immediately readable from the crime itself without context. It is an especially important analytical tool for nonlinguistic acts, such as exits and withdrawals of the kind relayed above, as signal constitutes its principal communicative feature (Warren, 2011). Unlike hate crimes, however, the signification process of interpreting the context of meaning here is ceded almost entirely to outsiders. Indeed, unlike hate crimes, criminal acts acquire meaning as dissent through the discretion of these observers (Johansson & Vinthagen, 2015). Criminology generally focuses on the signifiatory powers of the media or state in transforming crimes as symptoms of broader turmoil and phenomenon. They operate in what Environmental Communication scholars would refer to as the constitutive understanding of crime signification (Bartesaghi & Castor, 2008).

The most famously cited signal crime is 'broken windows theory', whose denotational meaning attributed by the state, is urban disorder. A signal crime

like broken windows theory possess a retrospective and a prospective dimension. The former alludes to a cognitive connection to past problems, including legitimacy deficits (Innes, 2005). The latter dimension comprises a warning prediction about future risks that will occur on the basis of the present state. Illegal hunting as a signal crime would both testify to a legitimacy deficit that *drove* hunters to the crime in the first place, and to the eroding impact of the crime on continued state legitimacy. As we saw in this study, hunters observed the greater acceptance for illegal hunting, the less credibility the state would have, which would in turn effect higher crime. This reasoning, then, can be explained by way of crime signification.

The signification of signal crimes is less done by dissenters and more by outsiders in some position of power which provides a contrast also to classical civil disobedience. According to the latter, the meaning and goals behind the dissent must be steadily resolved in the dissenter's mind, who has to bear witness, motivate and explain his goals before the public and politicians. That begs the question, with whom does the signification of illegal hunting as a crime of dissent take place if not in the intentions of illegal hunters themselves? It might be argued, first, that its signification is shaped jointly by "the social interaction between resisters, targets and observers" (Hollander & Einwohner, 2004, p. 6). It would compel us to attend to societal processes in which meanings behind illegal hunting change (Ortner, 1995).

The second interpretation suggests signification is still bound to some mutually understood logic within a cultural context. This was, for example, the case in medieval Britain, where acts of poaching carried highly specific messages depending on what type of game, on whose land it was felled, and in what particular manner of killing (Manning, 1993). Deer-stealing from enclosures belonging to unpopular lords, followed by feasts of venison by commoners, signalled defiance of recent enclosure and the unpopularity of the lord in sharing his game. A more proximate example is Paine's (1999) documentation of a reindeer signal system among the indigenous Swedish Sami. Here, theft or killing of neighbours' reindeers conveyed mutually understood signals. As meanings were embedded in social contexts, these wildlife crimes were a straightforward form of signal crime. This neat grammar does not obtain so elegantly in the contemporary Swedish context, even if the Sami have not been engaged with as a demographic on their own. Nevertheless, it would be remiss to argue that illegal killing of wolves, especially when communicated explicitly, does not send out a strong signal of discontent because of its targeting of a species of profound political and cultural symbolism. This is surely recognised by the broader public culture as well as the local community (often charismatic megafauna, in Holmes, 2007).

Thirdly and finally, as I have suggested, it might be argued that the signification of illegal hunting as dissent takes place within this dissertation. Johansson and Vinthagen (2015, p. 111) suggest that signification of dissent takes place “within ongoing processes of negotiation between different agents of resistance [...] and different observers. Such observers are, for example, researchers, who make up part of the creation of the truth’s about resistance through scientific discourses.” In this way, I tune into the things I deem to be of signal value within my theoretical framework and ‘tune out’ background noise (Innes, 2004) in order to make the case illegal hunting is a crime of dissent rather than, for example, a crime of passion or economic gain.

Nevertheless, leaving the signification of crime entirely in the hands of outsiders and analysts may be overly confident and ultimately tenuous. In the more self-reflexive section that follows, therefore, I engage with some pitfalls of outside retrospective signification of illegal hunting as a crime of dissent. The analysis thus far reveals a tension in regard to the signification of illegal hunting: disobedience scholarship foregrounds the clear intention of dissent on the part of the dissenter, while criminology and constructivists often suggest the signification of dissent is best left to semiotic processes where such a meaning is co-constructed retrospectively, as in the concept of signal crime. Both approaches have their advantages and their drawbacks when analysing illegal hunting, as will be outlined below.

14.2.1 The matter of intentionality

One palpable advantage to having intent inform the signification of the crime as a crime of dissent, is that it accommodates dissent which does not have the desired effects (Scott, 1985). Indeed, while intended as subversive, dissent may go on to reproduce or strengthen relations of dominance (Javornicky, 2015; Johansson & Vinthagen, 2014; Bloom, 2013; Lilja *et al.*, 2013). The argument is that this unfortunate outcome should not bear on their signification. The people still intended it as subversive, but outside factors prevented it.

There are two examples of counterproductive effects of dissent of hunters whose actual outcomes would miss the mark of dissent. This was, first, hunters’ failure to report their large carnivore sightings to the CAB. Although underreporting figures to the state is a commonly employed strategy of dissent (Javornicky, 2015), here it monopolizes wildlife statistics with state agencies and it limits their hunting quota for the next season. Second, when hunters adopt a technical-ecological discourse to challenge the claims of conservationists in the debate, they effectively incur short-term uptake, but at the result of the further marginalisation of alternative discourses of hunters.

Because this dissent reveals important deficits of the deliberative system, it will be resolved in a separate section, theme 14.3.4. Barstool Biology.

It is also attractive to foreground the importance of political motive when it comes to judging the sincerity and conscientiousness of the instigator. If his motive is to dissent to reinvigorate debate, we can clearly follow up on his response to potential uptake by the state (Smith & Brassett, 2013). For example, if his disobedience is truly motivated as a corrective to a deliberative deficit (Smith, 2011), he must desist when the matter is brought to the public again (Gebh, 2013). This may in this way separate dissenters with genuine grievances with defective background conditions in the polity from those who are in it for personal gain. Of course, this is still problematic for the reason that just because an issue is brought to the public does not ensure it is meaningfully taken up. Cosmetic fixes or empty promises that satisfy minimum requirements for uptake do not actually constitute as genuine reconsideration of the issue (Smith, 2011). Much like the SEPA's arbitrary overriding of democratically mandated decisions in the county game management delegations, therefore, it would be remiss to preclude Swedish hunters from ever engaging in disobedience again, just because on the face of it their views received some consideration at a particular point. Another reason it is potentially problematic to gauge political intent by the dissenter's conduct afterwards is that while he may have ceased to dissent at the moment of some uptake, it says little about the right of new streams of increasingly radical dissenters who rise to contest similar issues, but push the boundaries forward (Barker *et al.*, 2013; Cox, 2013; Johansen & Martin, 2008).

That may be part of the reason hunters left the Swedish Hunting Association to join the National Hunters Association or, even more radically, join the ranks of Våga Vågra Varg and Folkaktionen Ny Rovdjurspolitik. This suggests the reintroduction of issues onto the agenda may separate categories of dissenters with the result that increasingly radical streams of disobedience continue to operate alongside of the new political status quo.

14.2.2 The difficulty of intentionality

Even if working with intent behind signification is attractive, it is problematic insofar as some outside signification is arguably always required to offset the epistemic limitations of knowing, having and communicating intentions. Indeed, outside crime signification at least avoids the problematic assumption that the dissenter's intentions can be honestly apprehended in the first place. There are four interrelated largely methodological challenges to this. These stem from a general difficulty in knowing other individuals' moral motivations until such a time they are "publicly scrutinised and held accountable for their

actions” (Kumar, 2013, p. 134). First, uncovering intentions behind an act assumes that the dissenter carries a blueprint for his aims (von Essen & Allen, 2015). It requires he or she is clear about that which they protest, when in fact, as Holmes (2016, p. 314) suggests, “motivations for rural crime as political resistance may be muddled and fuzzy, even for the perpetrators.”

Second, it assumes the instigator’s intentions are static and do not change in the course of the dissenting process; in effect, that they can be frozen in time. Third, it relies on a clear communication by the dissenter of his or her goals. This rarely obtained in practice, for several reasons, not least personal costs. As noted, dissenters may also use different justifications for their acts across different contexts (von Essen *et al.*, 2015b) or in different parts of the same interview, depending on what they want to communicate. Its framing is “naturally a contextually conditioned decision” (Hájek *et al.*, 2014, p. 404).

Fourth, the notion that the dissenter consciously operates with the intention to dissent presupposes a critical consciousness on the part of the subaltern (Lilja *et al.*, 2013; Seymour, 2006). Oftentimes, scholars suggest the subaltern possess neither the capacity nor the will to mobilise subversively (Simi & Futrell, 2009). The dissent by illegal hunters, on Holmes’ argument (2016, p. 314), may “not reflect a full understanding of the power structures against which they are resisting.” The dissent that does result is accidental and cumulative, inasmuch as individual acts constitute dissent when they add up to a societal level of political impact (Vinthagen & Johansson, 2013; Bayat, 1997). On the individual level, it was true that hunters did not always operate in terms of a conscious or systematic dissent. Nor did these micro acts, taken on their own for personal relief, make a big show of protest (Kopstein, 2001). But the cumulative result of individual hunters’ failure to report large carnivore sightings to the CAB, for example, create a pattern of dissent that was signified as such once its aggregate consequences are taken into consideration (Mittelman, 1998). It was easy for the CAB to ignore some non-cooperation, but when it became systematic to the point where hunters no longer bothered reporting large carnivore data in large numbers, the CAB was impeded in its work and was forced to recognise an element of dissent to the practice.

Another defence for outside crime signification following the relative unreliability of intention as a determinant for the type of crime, is the observation that intentions are not actually static and change for the dissenter. He or she does not operate in a vacuum, but is affected by the societal response to their dissent. This dialectic can be illustrated in the curious case of Swedish sheep farmer Stig Engdahl, who shot and killed a wolf in 2004 that was threatening his livestock and subsequently served a prison sentence. Hunters turned sheep farmer Engdahl into a hero of the resistance who stood up for the

injustices of wolf regulation by unlawfully shooting a wolf near his sheep pen (Sjölander-Lindqvist *et al.*, 2010). They did so by highlighting the unfair procedural treatment he received in the criminal justice system.

Although the resistance fighter label was thus largely conferred upon him by the hunting community, Engdahl came to internalise this identity and proceeded to become something of an activist regarding the wolf issue. When Engdahl speaks about the act today, he does so to publicise the injustices of the regulation that befell him in 2004. Less an act of dissent *to begin with*, it is now one qua retrospective classification that has been socially conditioned (Hájek *et al.*, 2014). What may have begun as conscientious refusal assumed public goals and was retrospectively turned into a grandstand for the hunting counterpublic. This is an evolution which parallels many of the subsequent activist profiles of Vietnam draft dodgers (Lovell, 2009) and Franklin's (1998) prisoners-turned-anti-war-activists, so is not unique to this illegal hunter. It shows that as far as intentionality goes, intention is only provisionally stable and can be transformed in shifting socio-political contexts.

14.2.3 The purity of intentionality

Now, if intentions *could* be apprehended, such as in the limited way suggested above, it also invites the question of what criteria we ought to impose on the dissenter's intentions. I have tried to separate not-in-my-backyard (NIMBY) type activists and self-serving criminals from those with grievances toward deliberative deficits, but it is not clear there is sharp disjuncture between the two. Must the correction of the deficit be the sole purpose of the act, or can it also be informed by motives of personal gain, direct action or side issues (as considered in Vinthagen & Johansson, 2013)? Scholars observe such combinations increasingly constitute the norm, especially in the context of citizens protesting wildlife conservation (McCausland *et al.*, 2013; Lovell, 2009). In fact, we often consider multifunctionality of motives a point of strength when it comes to disobedience undertaken on behalf of the environment (e.g. Hettinger, 2007).

But can we accommodate intentions to be so impure in hunters' case? It may be precarious for the justification of dissent when personal grievances overtake public ones. The hunter needs to clearly transcend his hardships to link up to a bigger picture of, for example, lacking uptake by hunters as a class. In line with both counterpublic theory and deliberative disobedience, dissent must have as its principal goal to publicise public rather than personal injustices. Its goal must be to contribute to a more inclusive debate. This has been explicated as that disobedience cannot, per definition, be plainly unprincipled or merely motivated by self-interested goals (Simmons, 2010).

But on the other hand, ‘plainly’ and ‘merely’ may open up for the accommodation of more diverse motives. I have discussed the caveats from Smith (2013b) that it is not out of the question for dissenters to mobilise around a substantive cause when protesting deliberative deficits. A cause can provide a master frame, a rallying point, and an important intersectional perspective that generalises grievances (e.g. Lovell, 2009; Seel & Plows, 2000; Snow & Benford, 1992). Even Gandhi’s non-violent campaign was ostensibly mobilised around salt as an oppressive symbol of British rule, but in actual fact lay siege also against the Indian caste system, monopoly capitalism and toward economic self-reliance (Martin & Varney, 2003b).

Hence, on this theory, we may permit multifunctionality behind the intentions of dissent to include both substantive and procedural concerns. The inclusion of side issues may also be about proposing alternative agendas than simply highlighting a deliberative deficit. On White and Farr’s (2012, pp. 46-47) argument, an individual act of disobedience “can envelope a plurality of ‘no’s [...] and implores the audience to imagine [a form of life] with a distinctly different identity.” There may be cause for concern, however, when motives tend toward personal ambition or malice rather than conscientiously motivated causes (Martin, 2008). One might also question the efficacy of individuals acting out of multiple self-interests, since their dissent may result in a poorly performing collective (Allen, 2008). But there is no categorical proscription against diverse private goals from featuring in the rationale behind deliberative dissent, which is good news for the illegal hunting phenomenon, which as contended, is likely to be an amalgam of multiple motives.

In sum, if using intentionality to signify hunters’ actions as dissent is problematic for the reasons enumerated above, is it instead preferable to understand dissent from the *outcomes* it produces in the polity, as principal means of crime signification? Dryzek (2010) insists this assessment take precedence, and that intentions of dissenters should be used only when there is missing information about the systemic effects of the dissent. This means we signify illegal hunting as dissent retrospectively based on how society has responded, and how hunters in turn have responded to that. In the next section, I explore the potential dangers also with this approach, favoured by systemic deliberative democrats and consequentialists.

14.2.4 Inclusivity and seeing everything as dissent

The main problem is that the systemic signification of dissent based on effects invites a tendency to signify everything and anything as dissent (e.g. Vinthagen & Johansson, 2013; Gledhill, 2012; Chin & Mittelman, 1997). Indeed, every act may potentially be signalled as dissent if it – at some place, at some point,

among some people – triggers a political discussion over justice. This may be said to be an anticipated consequence of dissent having been parcelled out to cultural studies in anthropology in recent decades (Barker *et al.*, 2013) – particularly as everyday forms of resistance that are mainly understood as dissent in their cumulative consequences on the polity, and not to begin with. In this section, I engage with some implications of this scholarship on crime signification of dissent where illegal hunting is concerned.

On the one hand, seeing culture and civil society as sites of political struggles (Kaplan & Kelly, 1994) provides a reinvigorating perspective to liberalism's strict separation of the political and private. It effectively dissolves these boundaries where dissent is concerned (Gardiner, 2004; Phillips, 1996). Gramsci, Scott and Polanyi have all contributed to the politicisation of the informal, the private and the clandestine by understanding dissent as embedded, embodied, personalised and individualised (Johansson & Vinthagen, 2014; Mittelman, 1998). For example, a local community may denounce the legislation prohibiting forestry, and manifest this implicitly by constructing a house from illegally felled timber (as in Holmes, 2007).

On the other hand, if we signify everyday cultural acts as dissent based on at best implicit signals from the sorts of responses or effects they happen to trigger, we expand the orbit of dissent to comprise unprincipled and questionable practices (Caraus, 2014). As far as illegal hunting is concerned, we risk politicising a criminal practice. By contending illegal hunting has an element of dissent, we attribute positive conscientious ideals to acts which may in fact be largely motivated by self-gain. But we also open ourselves up to considering many diverse acts as potentially dissident. And if more or less everything in culture can signify as dissent, it is onerous to start an analysis.

For example, on this inclusive view, just as violent disruptive practices leading to revolutions constitute dissent in this context, so does silence and non-action, or indeed the act of breaking the silence (Hollander & Einwohner, 2004). There are many different spectra of dissent (as termed by Kerkvliet, 2009): it may be collective or individual; violent or passive; organised or spontaneous, and legal or illegal. Since Scott's work in particular, dissent has been taken as everything from political marches, protest emigration, mock incapability, foot-dragging, staying in, going out, vigils and workers nibbling away at totalitarian regimes to subversive hairstyles and 'virtual' resistance (Lilja *et al.*, 2013; Martin & Varney, 2003b; Kopstein, 2001; Mittelman, 1998).

In an illustrative critique of this concept stretching, Hájek *et al.* (2014, p. 396) declare that nowadays "In a certain sense, any activity can be interpreted as resistance, including (ostentatious) conformity and loyalty." The implication of such inclusivity is clear; dissent risks becoming a residual category of

analysis (Davidson, 1994). The concept stretching is likely owed to the consequentialist rather than intention-based signification. It is inveigling as it invokes aesthetically pleasing imagery that imbues the downtrodden with power in romanticised ways (Chandra, 2015; Kopstein, 2001; Abu-Lughod, 2000; Brown, 1996). Hunters too lazy to report carnivore sightings to their CAB get labelled resistance fighters standing up for injustices.

To Brown, “the indiscriminate use of resistance and related concepts” (Brown, 1996, p. 730) makes the most ephemeral forms of popular culture vulnerable to the hegemony of dissent as a theoretical framework. He thus joins scholars wishing to minimalise the dissent concept by bringing back clear recognition of its dissent by all parties: including the dissenter, by the target, by the broader public and by outside analysts (Ortner, 1995; Rupin, 1995; Fegan, 1986). Here we thus see some circle back to the importance of intention, demonstrating the limitations of the consequentialist signification.

These scholars’ attempt to discipline dissent have, however, not been embraced by all. Martin (1994), for example, summarises the gist of the counter-critique levelled toward those who, in his perspective, seek to narrow the parameters for what constitutes legitimate dissent: first, narrow definitions of what sorts of activities qualify as political in the first instance (also observed by Hájek *et al.*, 2014; Theodossopoulos, 2014; Huijun, 2010; Thomassen, 2007; Martin, 1994); second: restricting dissent to the attempt to compel politicians to change policy, precluding it from comprising direct autonomous action whereby dissenters change it themselves. On this view, the illegal hunting of wolves is out of the question if it is done with the principal intention of ridding the area of one less wolf, which is generally the case. Third, dissent is seen to be that which takes place in the public domain alone, which bereaves the private and also counterpublic spheres of the potential for hosting practices of dissent. To date, the debate over expanding or minimising the dissent signifier has generated a divide on resistance scholarship within anthropology and political studies that shows little sign of letting up (see, for example, Hollander & Einwohner, 2004; Hoffman, 1999; McCann & March, 1995).

In ethnographic research, it may well be that an inclusive definition of dissent may collapse other aspects of social life that are not governed by dissent or power, including cooperation, reciprocity and accommodation, under the dissent label. But it seems that this can be overcome by any robust phenomenological study, if the social worlds of interlocutors are properly investigated without *a priori* theoretical hypotheses. As Ortner (1995, p. 190) intimates, such studies “are thin because they are ethnographically thin” rather than the concept of dissent being problematic. Because this dissertation does not proceed ethnographically and indeed is specifically concerned with the

contentious elements of a counterpublic (rather than the whole social world of a subculture), this is less of a concern. Dissent is quite simply the object of study in the first place, not hunters' social worlds in their totality.

To summarise, the signification of illegal hunting as a crime of dissent encounters some epistemic challenges that are important to highlight in a dissertation that makes claim about dissent where one might see crime of passion, and others still as continuity of custom. I have enumerated these as a tension between a consequentialist signification, whereby the characteristics and outcomes of an act qualified it as dissent by an analyst, and a more classical civil disobedience signification, whereby the intention of the dissenter to dissent must ultimately separates crimes of dissent from crime.

To this end, I challenged the notion that intentionality could be easily apprehended in hunters' case; it was fluid or unknown to dissenters until external circumstances provided the reason to frame it as dissent. This was sometimes also done by others than themselves as I argued in chapter 13. Finally, I engaged with the objections toward consequentialist signification given its tendency to potentially recast all manner of practices by hunters as dissent. A conclusion that can be drawn here is that we must consider both intentions and outcomes as well as attend to how these interact to constitute dissent. This may be said to be supported by systemic deliberative democrats who argue that in addition to having inclusion-enhancing contributions on the deliberative system acts must also achieve a deliberative minimum in their conduct (Fung, 2005), which I believe here can substitute intention behind the dissent. The systemic approach entails that "the system should be judged as a whole in addition to the parts being judged independently (Mansbridge *et al.*, 2012, pp. 4-5). This means we can evaluate illegal hunting both on an individual level of conscientiousness (an "authentic dimension" in Bächtiger *et al.*, 2010) and on a meta-deliberative level in terms of its systemic impact (a "consequentialist dimension" in Bächtiger *et al.*, 2010): what I have earlier referred to as categorical and systemic deliberative credentials.

14.3 Illegal Hunting as Deliberative Disobedience?

The preceding discussion has unpacked hunters' dissent, first, in terms a disengaging and engaging dialectic, and, second, in terms of illegal hunting potentially constituting a communicative crime through the terms hate crime and signal crime. Following this, I have deconstructed the way in which we signify hunters' dissent, from the intentions of dissenters to the consequences of the acts themselves. In this next section, I discuss what hunters' dissent is actually dissenting and, second, if their dissent is having a positive systemic impact. Recreating a deliberative deficit in the deliberative system, I support a

justification for their dissent in invoking deliberative disobedience. This is so on account of hunters criticising defective background conditions, including anti-deliberative inertia of various kinds, rather than fundamental rights violations (*It's the way these things are handled that upsets the most*).

Concluding this section is a discussion on the constructiveness of hunters' dissent. I have argued sporadic individual acts undertaken evasively may possess little signal value as dissent in the first place, and therefore make little dent on the regulatory regime or, for that matter, on the public. But I have also observed that when discursively harnessed as a pattern of dissent, illegal hunting may compel a response of some sort. Hence, I critically discuss the merits of the types of dissent encountered in this study regarding their consequences in the polity. In what ways and to what degree may they be said to help improve the situation for hunters, if at all?

14.3.1 The Predicament

The primary condition of the deliberative deficit as identified by hunters was of democratic inertia. It was termed by one hunter as *the single greatest weapon in the administration's arsenal*. It exerted an inhibiting effect on hunters' contributions in several dimensions. I will examine the inertia in terms of the interrelated issues of juridification and bureaucratisation, where hunters perceive their interests as either stalled or blocked by the administrative steering logic of the system. By inertia of this sort, I mean "purposeful friction" (Hiedanpää *et al.*, 2016, p. 18). Finally, I examine a related phenomenon where a hegemonic discourse contributes to a freezing of the debate to hunters' disadvantage (Arts *et al.*, 2012). Collectively, inertia stacks the system against them and encourages hunters to go outside the system (Young, 2001).

14.3.2 Inertia through Juridification

There were ways in which certain actors could exert a stronger influence on policy in relation to their low numbers. This was in their navigating of legal channels in society, so called lawfare (Comaroff, 2001). Lawfare is a growing phenomenon that can disenfranchise and asymmetrically empower social groups (Huijun, 2010). While some regard lawfare as the strategy of the subaltern (Bedi, 2015)—for example as "judicialisation from below" (Vanhala, 2013, p. 313) the way in which it was deployed in this context was overwhelmingly calculated legal stratagem at the hands of relatively well-empowered ENGOs¹⁵ – at least, this was the view promulgated by hunters.

¹⁵ Who may be designated as subaltern or from-below in terms of initially rising against dominant economic interests, but who now nevertheless enjoy considerable support and locus standi on environmental issues.

Lawfare was used to contest and block democratically mandated decisions. It necessitates, first, a certain legal standing on the part of the plaintiff to invoke the suit, and, second, the financial resources to pursue appeals in court. Swedish ENGOs routinely appealed the license hunts for wolves that were planned every winter were granted *locus standi*—the standing to contest on environmental matters, in effect on behalf of the environment and wildlife—through the Aarhus Convention enacted in 1998 (Epstein & Darpö, 2013). ENGOs have become very successful litigants when compared to other appellants (Jans & Marseille, 2010). In Sweden, they receive state funding through the SEPA and associations like the Swedish Association for Nature Protection finances two full-time litigators.

There are several precarious consequences to the juridification of the wolf issue, apart from inviting hunters' misgivings and leading them, sometimes directly in their words as we saw in previous chapter, to take management of wolves into their own hands—*The Italian Model*. First, moving democratically mandated decisions into courtrooms increasingly shifts societal debate on wolves into matters to be resolved by legal experts in an elite sphere (Olson *et al.*, 2014; Nie, 2002). It denotes a case of politics migrating to the courts (Chandra, 2015), or courts expanding to subsume public policy outcomes. On this view, juridification sustains a legalistic bubble away from actual public engagement (Magnussen & Banasiak, 2013; Levi-Faur, 2005).

Second, because of the way in which ENGO appeals on license hunts were pursued—as strategic obstructions aimed at postponement and inadmissibility of the hunt—one might argue the legal recourse of ENGOs is, at best, a means of securing short-term gains. In the longer term, however, such stratagem is purchased at the legitimacy and credibility of the ENGO, given the strategy now substitutes for winning cases by the unforced power of the better argument (Habermas, 1984).¹⁶ This raises questions of what success for these ENGOs mean. They are rarely successful in convincing public agencies like the SEPA to repeal their decisions, or in providing arguments that might prohibit wolf culls in the future. Indeed, the same decisions are typically reached, and appealed anew. Hence, ENGOs are primarily successful from the point of view of strategic postponement of the present license wolf hunts (von Essen & Allen, 2016a).

A corollary of this is the increasingly antagonising effect of legal obstructionism on both the broader public and Swedish politicians (see for example Olsson, 2015). That the legal appeals were welcome in theory, but soon outstayed their welcome, is demonstrated in the fact that the first round of appeals in 2010 mobilised a great deal of sympathy for what were perceived as

¹⁶ Although Habermas of course remains highly optimistic about the deliberative capacities of courts.

regionally unlawfully hunted wolves in Sweden (Sjölander-Lindqvist *et al.*, 2010). Lending validity to the appeal was the threat from the EU commission to sanction Sweden for violating the Habitats Directive by allowing license quota-based culls for a protected species (Potocnik, 2010).

At the time of writing, however, some five years later, malaise characterises the juridification of the issue in a way that contrasts with the headlines generated in 2010. The EU commission has in fact remained silent while protracted appeals get floated around different courts in the judiciary, perhaps contributing to the impression EU threats over sanctions are toothless. Even the CAB may at times be critical toward protracted appeals frustrating management goals, contending such litigation does not represent legitimate grievances but is a political “knee-jerk” contribution to the debate (Björk, 2016). In a 2011 press conference, rural and environmental ministers bemoaned the predicament and called for honouring the wolf cull decisions taken at the game management delegations at the CAB, stating decisions ought to be made locally and “not in Brussels” (Swedish Ministry, 2011).

It would be remiss here to argue ENGOs are categorically prohibited from filing these appeals, especially given a central thesis of this study is we must allow for the contestation of policy to prevent unlawful contestation. I do not therefore argue for the scrapping of the appellant rights of ENGOs like some scholars propose in light of perverted litigation (Tolsma *et al.*, 2009) – although I agree it is problematic. Society remains fundamentally in need of anti-majoritarian devices like judicial review (Huijun, 2010). It is also not entirely straightforward to argue legal appeals proceed non-deliberatively, as suggested in the above critique over bypassing the force of the better argument. Indeed, courtrooms can be taken as deliberative fora in themselves inasmuch as arguments are publically defended (Ceva, 2015). This has been popularly defended by Habermas, who sees that the institutional setting of the courtroom imposes deliberative virtues onto arguments made, regardless of any strategic rationale behind their deployment (Bächtiger *et al.*, 2010). Finally, on a systemic justification, legal appeals to contentious cases might also stimulate mass democratic engagement or debate in the deliberative system as a whole.

But this was not demonstrated in the case of the ENGO appeals of the wolf hunt. In fact, they demonstrate an effect to the opposite: toward stalling and blocking. Similarly, while the courtroom may ostensibly obtain deliberative standards of transparency and publicity, these do not become the basis for any broader public engagement with the issue of wolf management. Hence, it may be declared ENGOs violate certain deliberative ideals through their particular brand of sustained legal obstructionism. For one, the litigation is prolonged. While the time frames discussed here may be relatively short against other

forms of environmental litigation (Jans & Marseille, 2010), they also conflict with the ‘reasonable time’ requisite of the Aarhus Convention, and the clause about member states needing to ensure the *effectiveness* of Union Law in matters pertaining to the Habitats Directive (Vozár, 2011), by stalling extremely time-sensitive management issues.

A telling reflection by hunters was their conviction that ENGOs would not bother filing appeals if the decisions for the culls were announced earlier in the year, because by then the matter would have been resolved in time for the hunt the coming winter. This is the case in Finland, for example, where cull decisions are announced in the summer months and any appeals settled by the time the hunts are slated to begin.¹⁷ Swedish ENGOs appealed right before a hunt was slated to begin and relied on the emergency injunction to stall the hunt to the point where it could no longer go through. This was especially effective when the matter was appealed into higher courts in the judiciary system, who needed additional time just to familiarise themselves with the specifics of the case. This could be done because hunting issues had recently been categorised as environmental crime, eligible for arbitration in up to three levels of the judiciary.¹⁸ In the meantime, the snow would melt on the ground and preclude tracking of wolves, a prerequisite for the hunt to proceed. Bureaucratic inertia had simply rendered legal hunts inadmissible. This meant ENGO’s legal success did not succeed on deliberative, but rather on strategic merits. The use of delays and “stealing our time” as the respondents in Johansson and Vinthagen (2015, p.129) put it constitute weapons of the elite to temporalise power. Hunters experienced such obstructions as profound blows that could justifiably precipitate acts of dissent – either the illegal hunting of the wolves to which no license had been granted, as well as non-cooperation with regulation generally.

It can be noted that in the European Commission’s 2015 fitness check of the Habitats Directive, legal appeals of the sort discussed above are described as an “unintended effect related to the enforcement system,” whereby a high number of cases contesting wildlife management are now brought to courts (European Environment on Environment, 2015, p. 17). This may challenge hunters’ allegations that the EU is complicit with national ENGOs in Sweden in prolonging and benefiting from the legal appeals filed against wolf culls. Indeed, the EU fitness check report states that such litigation, apart from resulting in cumbersome delays, has instilled fear among authorities on the local level to be taken to court over decisions, which in turn encourages a problematic risk-averse decision-making. The reasoning is that agencies like the SEPA or the CAB steer clear of initiating wolf culls in the future, for fear of being taken to court.

¹⁷ Indeed, Finland recently got a quota of 46 wolves for 2015/2016.

¹⁸ A similar development is observed in Finland in the ‘Code of Finland’ (39/1889).

The juridification of wildlife management – indeed lawfare in conservation – appears a growing and concerning trend across many contexts (see also Olson *et al.*, 2014; Hiedanpää, 2013; Wallace, 2009). Also termed as the “globalization of American law” insofar as the development can be traced to the US, it is worrying because it turns societal issues into judicial ones (Kelemen & Sibbitt, 2004, p. 102). Indeed, it effectively strengthens law at the expense of politics, if we understand the latter as that which is practiced and cultivated by a public culture (Magnussen & Banasiak, 2013).

Juridification may therefore be said to constitute a mechanism for refeudalisation of society on Habermas’ understanding because it is illustrative of a rationalisation process in modernity that encroaches on the life-world (Loick, 2014). The juridical ‘bubble’ detached from the meaningful engagement of the public may be equated to a subsystem that has developed in society whose central grammar of law colonises domains that should be governed by communicative reason—indeed, by citizen-based politics. As can be discerned from its name, law fare becomes conducive to a strategic rationality on the part of appellants (Kelemen & Sibbitt, 2004). It becomes a subsystem no longer integrated on the basis of norms or public processes of deliberation. It is rather one that is reproduced in a “normatively and operatively closed” manner using only law, without morals or democratic praxis, to self-generate and auto-license itself (Levi-Faur, 2005, p. 459)

Hunters, of course, experience more pressing consequences of litigation than processes of rationalisation. My point here is the phenomenon is worrying in this particular context because it blocks the premises for a constructive debate. It creates inertia in the system that provides the basis for unwillingness on the part of hunters to engage with the policy-making process through legally sanctioned channels. After all, hunters learn these only get overridden and therefore present little more than cosmetic procedures. Juridification contributes to a net loss in the deliberative capacity of the system by promoting strategic rather than communicative action. While the courtroom itself may appear as relatively well-positioned to challenge and defend claims in a deliberative manner, it is one that merely takes on the appearance of reason giving (Smith, 2008).

14.3.3 Inertia through Bureaucratisation

The second form of inertia that frustrated the deliberative system, and that hunters observed exert a discouraging, stalling or inhibiting effect on their interests, was that of *bureaucratisation*. There were several constituents of such bureaucratisation, which will be discussed below: archaic legislations that had become untouchable through Sweden’s ascension into the EU; the instigation of needless new investigations and queries over tried issues; the

drawn-out administrative procedure for obtaining licenses on the one hand, and for conducting criminal investigations on the other hand; and the auto-generation of a plethora of administrative platforms and burdens. Hence, different sorts of inertia pervaded the system.

First, hunters observed ancient and outdated legislation surrounding weapons permits on the one hand, and protected nature reserves and resources on the other. These have been presented in chapter 8. But there was also a sense that with Sweden's ascension into the European Union in 1995 one had lost the elbow room to revise such prohibitions. Indeed, the EU had come to exert a powerful watch-dog presence under which the precautionous Swedish political representatives had bent over backwards to accommodate. The administrative burdens associated with reporting information to the EU disproportionately affected Sweden because of its compliance and diligence. There was simply a fear of EU sanctions and a willingness – on the political level – to work with considerable margins so as to be on the safe side. That meant hunters' attempts at revising bird protective reserves were immediately thwarted by a conservative administrative culture that now had additional impetus from a supranational governing body to honour bird protection.

Second, there was also inertia in the context of lengthy political investigations into wildlife issues. As contended, when powerful actors like the SEPA or its affiliated ENGOs were unhappy with the substance of decisions, they could level the charge the *procedure* that had enacted the decision was inadequate. In many cases, such an accusation resulted in heading up new investigations as to what had gone wrong with the previous ones, now comprised by a different set of political representatives. In chapter 6, this was summarised as investigations into the potential creation of new institutions, on the enactment of certain decisions, or on the delegation of certain issues, involving a never-ending cycle of bureaucracy. It had the unfortunate effect of discrediting previous decisions and prolonging the administrative process to the point where nothing would happen for over a year.

Investigations addled with inertia were also powerful weapons of conservationists when indicting suspected illegal hunters, or those who had shot a wolf and invoked paragraph 28 of defense of property. The fact they took so long, and could seemingly be put on hold by administrative issues, meant hunters under investigation were held in a limbo, bereaved of their weapons and the subject of suspicion, for however long the environmental solicitors wanted to make an example of them to their peers. Hunters connected this to their unwillingness in the present to go through the trouble of initiating a paragraph 28 defence over a killed wolf – when “hiding it in the bushes” would spare one of the suspicion and prolonged loss of hunting opportunity.

Third, the ‘stochastic’ systems for applying for permits for weapons or for exemptions to cull nuisance large carnivores, we will recall, were heavily criticised on account of its unreasonably drawn-out time frame, its stigmatising process, and its inconsistency across counties. As contended, being put through such procedures and connected to multiple agencies – including a questioning police authority – was the kind of bureaucracy that sent a powerful message to hunters they were not a priority. Even when hunters simply sought renewal of licenses, they were met by considerable administrative burden. They saw the message as that permit-seeking was discouraged, and hunters should be happy with what they had. Once again, time, emerged as a powerful weapon in the state’s arsenal which strategically disadvantaged hunters whose time was in various ways restricted (Johansson & Vinthagen, 2015).¹⁹

Fourth, the now confusing interlocking network of administrative and decision-making platforms on wildlife management meant a fancy apparatus in which no real power could be exercised from any one forum. Hence, game management delegations (GMDs), extolled as the coming of decentralised management, were still poorly positioned to implement the decisions taken by the county. They needed to first answer to the county administrative board who presided over it. Second, the CAB could also easily be overridden by the SEPA. Third, the SEPA, as we have seen from the license hunt appeals, was now apt to be legally overturned by judicial obstruction on the part of ENGOs. The deliberative system of interlocking fora at various levels (Dryzek, 2010) – if indeed the current arrangement can be characterised in this way – thereby possessed an incredible amount of inertia through practical organisational coordination. To this end, this inertia may be said to have systematically excluded or blocked issues from being deliberated in a meaningful way, taken as the actual uptake and consideration of issues (Delmas, 2014; Smith, 2013b).

Fifth, inertia was not only rooted in the bureaucratic grammar of the decision-making apparatus. It was also seen to be deployed by some actors in an asymmetrical way to get them ahead in the debate. Conservationists in general claimed an exclusive access to the complexities of the institutions in which they operated and, as such, were well-positioned to both induce and take advantage of inertia to further their causes. They possessed well-financed judicial machinery and the know-how around navigating injunctions and instigations of new queries. Conservationists were also able to mobilise

¹⁹ Interestingly, bureaucracy around reporting wolf kills to the state – once for claiming bounties and now to clear one’s name of criminal wrongdoings – appears to have been a deterrent to hunters to engage the state agencies all through history. As noted by Bergström *et al.* (2015) of the 1700s state apparatus: such dealings “could be so troublesome and time-consuming that a hunter sometimes did not care to collect the monetary reward” (p.74).

“hegemonic and patronising academic knowledge” (Skogen *et al.*, 2008, p. 106) bound up in elite discourses to the deliberative inequality of hunters.

Inasmuch as conservationists were on the right side of inertia in the system, hunters struggled to match their manoeuvring despite their two relatively well-positioned hunting associations. While new investigations and decision-making bodies were seen to continuously result from the inquiries headed up by conservationists, hunters faced significant inertia whenever they proposed revisions of policy. Although this double standard may be largely subjective, it can be noted that the Habitats Directive, criticised for its rigidity in several studies (Bisi *et al.*, 2007), became subject to a review process in 2015. Hence, wolf policy became subject to a retrospective evidence-based critical fitness check that evaluated its effectiveness, efficiency, coherence, relevance and added value (European Commission on Environment, 2015).

This process itself took over a year on the EU level and while seemingly comprehensive, did not result in any amendments to either the birds or habitats directive. This was despite the input of stakeholders and the general public that the time may now have come to downgrade some protected species from Annex IV to Annex V, given its recovery and resultant problems with co-existence. In the Commission’s preliminary review report, it is explained that reluctance to make amendments is due to the precautionary principle.

In sum, state institutions wielded inertia toward deliberative inequality in the system. This had a practical dimension on the one hand: no culls or decisions would be reached, *all the while the wolves just keep increasing*, contributing to business-as-usual for conservationists. On the other hand, it also had a powerful symbolic dimension: it communicated to hunters that ‘you do not matter’, ‘you need to stay in line’ and ‘you are at our mercy’. Bureaucracy was thus wielded as prohibitive power over hunters.

14.3.4 Barstool Biology as Deliberative Inequality

I noted that deliberative inequality could result from the asymmetrical empowerment of different discourses in the deliberative system. This point, of deliberative inequality (see Bohman, 2006) bears further elaboration in this case context because it is a deficit which both manifested itself as inertia and which led hunters to a form of (lawful) dissent in the deliberative system that arguably resulted in them being worse off than before they embarked on it.

To begin with, hunters suggested a particular kind of vocabulary had become a master tactic on the part of conservationists. The discourse had multiple functions of validation, legitimation and disqualification of decision-making and reasons, but it was also primed to induce ‘stalling’ or administrative inertia within the system. This discourse typically consisted of

ecological concepts for determining the viability of the wolf population. These were deployed strategically to necessitate an investigation, an injunction, or an appeal within a decision-making process. Such appeals included what were perceived as invented concepts like Minimum Viable Population (MVP), Favourable Conservation Status (GYBS) and vulnerability analyses and environmental impact assessments. Indeed, the concept of Favourable Conservation Status (GYBS) could not only be arrived at through wildly disparate ecological measures, but it was also differently defined on the EU level, with the Bonn Convention and the Habitats Directive using different formulations (European Commission on Environment, 2015). As hunters observed, all wolf ecology terminology had an expiration date to it and this provided opportunity for continuously presenting revisions and alternative takes within this self-expiring discourse. There was always some ecological trope advocated by some scientist somewhere that could be shored up to prompt the overturning or delaying of a decision regarding wolves. In the meantime, the population and problems posed by wolves simply increased.

Insofar as a technical-ecological discourse provided the currency to sway or stall decisions, hunters were positioned at a distinct disadvantage. Although many hunters saw themselves as intimately connected to an ecological knowledge through their embodied relationship with nature, they did not possess the sophisticated jargon in which to frame their claims. Their life-world based discourses, of family, tradition, safety, stewardship, morals, and socio-economic concerns were easily delegitimated by authorities as emotionally-driven and ill-informed (Buijs *et al.*, 2014). The technical-ecological discourse, by contrast, was powerful currency with which one could be heard as a serious actor on the wolf issue. Indeed, its currency comes from a declaration that it constitutes neutral, non-political truth (Schiappa, 1989).

Interestingly, however, we can observe that in terms of dissent, hunters related to the technical-ecological discursive regime in ways that mostly affirmed its hegemony. Perhaps lacking critical consciousness, many hunters either acquiesced to its presence in the debate, or had begun to actively marshal such jargon themselves to be heard on equal premises as the educated conservationists and scientific experts who were the original proprietors of this discourse. While there were critical voices toward the omission of 'socio-economic considerations' in the abovementioned calculations for favourable conservation status, and indeed the critical observation that the SEPA currently set the agenda by deciding on the hegemony of the current genetics discourse, it was troublesome to find hunters saw the adoption of such discourse as the only way forward in the debate. It simply had predetermined master frames,

like biodiversity conservation, one had to honour and master in rhetoric to be heard (see also Vasstrom, 2016, for this phenomenon).

Deliberative inequality as a result of hegemonic discourses is paralleled in many other contexts of dissent, where for example Butz' (2002, p. 29) Shimshali porters sought to appropriate the "language and format of environmental sustainability" to use in their favour against conservationist actors. Such appropriation by Swedish hunters was reflected in their scientifically-framed discussions around wolf hybridity, in their challenging conceptions of GYBS by citing alternative calculations and scholars more on the hunters' side, and in their insistence on knowing better than the remote agencies when it came to such things as ecological cascade effects (von Essen & Allen, 2016b; von Essen, 2015). Indeed, a substantial part of their stewardship reflections often proceeded in semi-technical-ecological terms, despite their admissions they did not master such rhetoric. We also found hunters actively criticised and delegitimated the 'emotional rhetoric' of animal rights activists, contending hunters operated with a more neutral and scientific version of the truth in their counter-discourse.

What is the significance of this particular deliberative inequality? The hegemony helped reproduce a debate that was frozen on the level of scientific matters, rarely penetrating into domains of alternative knowledge, where solutions might have been found. I have termed the development of hunters adapting to a technical-ecological discourse to be heard on equal premises 'barstool biology' (von Essen, 2015). This may appear derogatory. For one, it assumes the discourse comes about strategically. Some scholars favour this view, because it conceives of lay citizens as more than passive recipients of science, construing them as actors capable of critically engaging with expert knowledge (Horsbøl, 2011; Endres, 2009; Fischer, 2000). The same perspective operates with the potentially problematic assumption implicit in the following statement: "An effective strategy for recalcitrant actors is to cloak themselves in the language of environmentalism" (Hajer & Versteeg, 2005, p. 180): namely, that any expression of technical, ecological or otherwise scientific jargon is insincere and used for tactical advantage.

But as contended, there was relatively little in the way of critical consciousness on the part of the hunting community in realizing what was happening. This may suggest the phenomenon is deeply embedded in modernity, where barstool biology is a symptom of the supremacy of science. Whichever perspective one adheres to, and the choice is an epistemic challenge that is outside the bounds of this study, the implications of the phenomenon are the same: barstool biology is a largely counterproductive form of dissent for

hunters. It increased the deficit in the deliberative system by way of contributing to deliberative inequality, giving hunters more cause to dissent.

How is this so? To be sure, much like the ENGOs appealing license hunts, there may be short-term gains with employing a non-deliberative means of influencing the debate. For example, emphasising wolf hybridity creates a potential loop-hole for illegal hunting, by providing the justification ‘I thought I was shooting a hybrid’, given the latter’s lack of protective standing in the EU Habitats Directive (and, indeed, in the US Endangered Species Act) (von Essen & Allen, 2016b; von Essen & Allen, 2016b; Trouwborst, 2014). Clearly, hunters may attain better confidence and can challenge preconceptions of themselves as backward, ill-informed or emotionally driven actors by harnessing the right discourse. But I contend this is ultimately purchased at a high cost (von Essen, 2015). Barstool biology often has less standing in the scientific community, no matter how well it is cloaked in idioms of scientific respectability. Much like creationism emerged as a counter-expertise that mimicked the premises of the evolutionary science it was opposing (Toumey, 1991), barstool biology may be vulnerable to accusations of pseudo-science. By using their own science to challenge the dominant conservation measurements (MVP, GYBS, and more) hunters also simultaneously confer hegemony to scientific knowledge while highlighting its politicised character (Pellizzoni, 2003). This dissent is a double-edged sword; it both legitimates and delegitimizes the technical-ecological discourse (Lilja *et al.*, 2013).

On a broader level, the hegemony of a technical-ecological discourse in societal issues generally and wildlife management particularly means science becomes less a means of informing debate and more of a rhetorical device used to persuade others in a strategic sense (Dingler, 2005). Not only does this predicament undermine the deliberative credentials of environmental dialogue by having it proceed according to predetermined, pre-deliberative rules (Zeyer & Roth, 2011; Sovacool, 2008; Hajer & Versteeg, 2005). But, for the purposes of this discussion, it also freezes the debate on a problematic level of a technical-ecological discourse, thereby circumscribing the circulation of alternative discourses in deliberation (Arts *et al.*, 2012).

Barstool biology is also problematic from the perspective of functioning as a counterpublic, emancipatory political expression on the part of hunters. To recall, part of the relative power of the counterpublic lay in its rejection of hegemonic premises and in its alternative formulations of reality. Philipps (1996, p. 242) elucidates the problem best by contending how “recognising alternative publics is not enough if they are to be subjected to the decision rules of the rationality that they may well have been formed to challenge.” Hence if the hunting counterpublic has to resort to picking and choosing from the

dominant marketplace's prefabricated and preempowered discourses, and many hunters did so in interviews, they reproduce the deficit of the public from which they sought to establish themselves in opposition.

In summary, how might we characterise the predicament of antidemocratic inertia? I have argued inertia through juridification, bureaucratisation and deliberative inequality through hegemonic discourses all impede uptake of hunters' views in the polity. When taken together, such as when ENGOs appeal decisions by citing genetic concerns in a technical-ecological discourse, they stack the deliberative system powerfully against hunters. The implication, as we have seen, is that there is little or no faith in the official channels on the part of hunters but rather a tendency to explore extra-institutional channels (Seel, 1997). These channels, which I have taken as dissent, may on the theory of deliberative disobedience challenge the inert architecture of the legislature (Smith & Brassett, 2013). But it begs the question: do the forms of dissent practiced by hunters in this study, like illegal hunting, actually achieve this effect? Before this question is answered in the next section, I first want to review the preceding findings to clarify the deliberative democratic justification for illegal hunting above any other sort of justification: in that the rationale behind dissent was not the contestation of injustices to constitutional rights, but design flaws within the deliberative system.

14.3.5 Why Deliberative Disobedience for Hunters' Dissent?

Some of the grievances hunters had toward the regime and toward wolf conservation that could form the justification for *civil disobedience* could be found in chapter 12.7. 'socio-economic deprivation'. Here, hunters made claims that might suggest the essence of wolf conservation policy violated their social, cultural and economic rights and development of their community in the countryside, specifically rights to security and property (Pohja-Mykrä, 2016a). This finds parallels in how Finnish hunters frame their disenfranchisement: contending the presence of the wolf "violates the constitutional right of people to a safe environment and the basic right to economic enterprises such as animal husbandry" (Hiedanpää *et al.*, 2016, p. 28).

Nevertheless, this was a limited finding in interviews. A system of rights was in place, but its conduits were distorted. This was mainly through the entrenchment of unequal social powers to affect and manoeuvre the debate using non-deliberative inertia, in Fraser's (1992, p. 124) terms "unjust participatory privileges enjoyed by members of dominant social groups. In short, the *policy* was of course unfortunate, but not perhaps *unjust* on a level of rights infringements as, first, many hunters recognised supranational protection for wildlife and, second, as the arrangement guaranteed some local decision-

making power. As observed by Borgström (2012), conservation under the Habitats Directive has ostensive legal legitimacy in terms of its principal features: it includes all relevant stakeholders; it has transparency and accountability. The deficit lay instead in the institutional design when hunters attempted to influence the finer details of policy. Hunters for example conceded the *democratically reasonable* premises of the GMDs while also stating that in actual praxis the *democratic process was non-existent* because of systematically distorted communication. Since Rawls makes no claims as to disobedience mobilised to protest the latter, deliberative disobedience makes for a better fit for the basis of hunters' objections in this case.

What about Dworkin's justification for civil disobedience, whereby hunters' dissent could be legitimated insofar as it addressed the state's renegeing upon promises made? For example, hunters suggested Swedish politicians had promised them ascension into the EU in 1995 would not infringe on hunting rights, while this exact thing happened. More pressingly, however, going back on promises made was arguably manifest in the case of the legal wolf hunts. When hunters thus illegally kill wolves on the motivation that this constitutes the management they were denied by the state, they may be said to undertake dissent that draws from Dworkin's justification on addressing the government's betrayal of trust (even if it also has a problematic direct action component). However, the government did not make an explicit promise to hunters per se and, in any case, minority actors and not the state were responsible for stopping the culls. It is arguably only in a highly roundabout way in which the state's inaction on inhibiting ENGO's legal obstructions to the wolf cull could be seen to constitute a breach of hunters' trust.

To be sure, to characterise the predicament of hunters as one that is entirely divorced from civil rights violations, from broken promises, and from substantively unjust policy – indeed, as one that is merely of a technical institutional design – may unfairly dismiss the materiality of hunters' struggles. One thing that seems clear is that to hunters, deliberative design deficits and substantive rights violations are often hard to separate. This is not surprising given Benhabib (1996) for example argues deficits and rights violations often presuppose each other. Further, Kumar suggests that “deficits, if gone unnoticed, might not only undermine the basic democratic structure, but might lead to a potential future violation of rights in general (Kumar, 2013, p. 139).

But rather than take us into an unhelpfully muddy field of connotations and additions between different sorts of bases for dissent, I argue that the *way* in which hunters reflected about their grievances toward the state elucidate that, perhaps, unjust policy was usually a function of a distorted deliberative system. That is, it was initially difficult for hunters to separate the deliberative deficit

from the content of the wolf policy itself, leading them to the easy conclusion that the policy was unjust. But unpacking hunters' objections illuminated increasing critiques toward the procedural elements of policy (*It's the way things are handled that upsets the most*). To claim illegal hunting represents civil disobedience that protests the wolf policy's violation of the cultural, economic and social rights of hunters, therefore, is to barely scratch the surface of finer deficits. For this reason, deliberative democracy illuminates more clearly the dimensions of illegal hunting and the sort of disenfranchisement it is contesting. Civil disobedience renders illegal hunting, at best, to a fail act of civil disobedience, while illegal hunting makes highly weak claims on Dworkin's justification of disobedience.

14.3.6 Evaluations of Systemic Effects of Hunters' Dissent

In deliberative disobedience justification, illegal hunting and its associated practices of disengaging dissent, if successful, would force marginalised or blocked concerns and views into institutional publics and counteract deliberative inequality that current distorts the system (Smith, 2011). Such success may be measured in two dimensions: through horizontal or vertical re-engagement (Smith, 2004). If we start with the latter, referring to the opening up of dialogue between civil society and state authorities, the systemic effects of illegal hunting thus needs to be in the form of more inclusive policy.

Regrettably, illegal hunting does not appear to have accomplished this in any principled or particularly constructive way. It is not undertaken in such a way as to demonstrate faith in the democratic procedure. Rather it is preemptive of such discussion, given hunters had the epistemic self-assurance of autonomously enacting their settled sense of justice in the woods prior to any public deliberation on the issue. Illegal hunting rarely became the basis for triggering democratic re-engagement over the contested wolf issue. Hunters' proxy communication and indirect threats over the increased occurrence of illegal hunting in the absence of a license hunt, for example, did not ostensibly result in uptake. Instead, the regime responded not by adjusting the letter of or processes behind (as explained in Tønnessen, 2010b), but by setting out with the premise that enforcement and indictment of illegal hunting needed be drastically increased in Sweden (Hedin & Törnvall, 2015). This much is supported both by calls of crackdown on poachers by environmental litigators in Sweden, and by the EU's fitness check report of the Habitats Directive, where stronger enforcement and supranational control are seen as the principal ways of countering illegal hunting of protected species in member states (European Commission on Environment, 2015). Hence, the argument that

dissent results in policy reform or increased public participation must be seriously questioned in the case of hunters' disobedience.

Of course, it is always a challenge to trace dissent directly to concessions on the part of the regulatory regime. This is particularly the case where the dissent has proceeded as silence, and not been presented explicitly as political voice (Gest & Gray, 2015). How immediate and concrete do changes need to be in order to classify the act as successful (as asked by Felicetti *et al.*, 2015)? What determines if consideration of marginalised views is limited or serious (as understood by Hadley, 2015)? It could be argued that the amendment of paragraph 28, the creation of the county game management delegations and the decentralisation of license wolf hunt decisions in the past few years were, in part, the response to what was becoming an unsustainable situation with hunters' dissent, mainly in noncompliance. This causal link is difficult to prove, although decentralisation into county game management delegations was directly presented as a solution to the legitimacy crisis, including non-compliance, identified in wolf conservation policy (von Essen & Hansen, 2015). On the face of it, however, policy concessions in response to legitimacy deficits in the Swedish case do constitute a way in which hunters have achieved uptake in the vertical dimension toward more deliberative procedures. But, as has been laboured in foregoing sections, the ways in which these concessions have been enacted, overturned, appealed and stalled, suggests no meaningful change has occurred. There may therefore have been limited, rather than serious, consideration in hunters' case (Hadley, 2015).

An alternative systemic appreciation of the democratic effects of hunters' dissent would be to consider it as having a stabilising effect, whereby it would be judged on how well it conserves the polity. To recall, this is the view promulgated by Arendt (1972), who adopts the Montesquieuan notion that continuous participatory contestation of the civil-but-non-lawful kind helps maintain (the Roman word '*augere*') the constitutional framework. The latter depends on revitalising actions of civilly disobedient citizens to the point where principled dissent may be a necessary cog in the wheel of a constitutional democracy. In Smith's (2010a, p. 107) words, "the very stability of a constitutional framework depends, paradoxically, on its contestation and continuous revitalisation." Does illegal hunting provide a stabilising effect on the institutional or constitutional framework it opposes?

The answer is not likely, because, first, the maintenance of such a framework by disobedience requires the dissent results in incremental changes that make the polity more just, preventing outright revolution. If the state responds only in symbolic ways, setting up toothless inquiries or providing face-lift measures to give the illusion of a response, as has been the finding

here, it is likely to further antagonise dissenters. Indeed, this, if anything, might provide justification for Dworkin's disobedience, protesting that the state has renegeing on promises made regarding improved processes of public deliberation on wolf management. Second, the stabilising argument also hinges on the state enjoying widespread popular legitimacy, having little to fear from protests (Martin, 1994). Sweden presents an interesting case study on this argumentation, as it is characterised by historically high trust in politicians and state (see Holmberg & Weibull, 2011), but this predicament is fast eroding where wildlife management is concerned (von Essen *et al.*, 2015a)

This leads to the third point: that it is inordinately difficult to see how the current state of civic disengagement, the growth of populist parties cashing in on rural resentment, and the refusal to cooperate with state agencies is in any way resulting in a more 'stable' polity. A justification for the disobedience-as-stabilising argument rests on the supposition that the dissent challenges only specific policies, and not the institutions of the state itself (Martin, 1994). But here, disenfranchisement with particular policies bred a broader civic disengagement from the authority that is far from stabilising. As hunters tellingly summarised, disenfranchisement was infectious: if a state agency was *crazy* on a particular issue, they would be *crazy on other stuff* as well. Similarly, even if they *good job in the other end*, the bads on the other end would lead to an overall loss of trust. Indeed, in a recent survey by Kaltenborn and Brainerd (2016), a majority of hunters partly or strongly agreed with the statement that illegal hunting was conducive to a broader acceptance of criminal actions against the regulatory regime. Here, the negative or limited interactions hunters have with the system "solidifies into antipolitical attitudes of distrust and suspicion toward politics in general" (Gray, 2015, p. 475).

Finally, we can consider the extent to which hunters' dissent possesses any deliberative systemic value by achieving pluralising effects in the horizontal dimension, that is: stimulating dialogue between citizens within the public sphere. That is, does it contribute to a more inclusive debate than the previously inert one, frozen at the level of certain hegemonic discourses (Fung, 2005)? Here I must emphatically argue no. An obvious case was the phenomenon of barstool biology, which increased deliberative inequality and thereby deficit on the level of discourse. But the failure of reinvigorating horizontal debate was also illustrated in the fact that hunters' dissent, qua its disengaging grammar, meant further withdrawal from public dialogue—an exit from and rejection of such debate in the first place. Their containment in enclaves is not conducive to an epistemically improved deliberation in the public sphere. While some hunters contended the added responsibility of the hunting associations to contain and discipline unethical features of the hunting

community contributed to a *well-functioning culture of engagement* here, this platform still denotes an enclave of the counterpublic whose claims are not deliberated before critical others. Hence, illegal hunting was not tantamount to enhancing deliberative capacity in the deliberative system as a whole.

I conclude this section by triangulating these conclusions with an alternative related consequentialist justification framework for dissent. In their evaluation, Martin and Varney (2003a) first pose the question: does the mode of communication foster a mutual exchange of information and perspectives? Where hunters' dissent is concerned, the one-directional, enclaved or hidden nature of messages challenges this. This is dialogic action has, at best, in the words of Arnett and Arneson (1999b, p. 285) a "minimal commitment to a public reciprocal respect for the other", including a dialectical responsiveness. Such communication is irreconcilable with the pragmatic "need to keep the conversation going" (*ibid.*). In simple terms, such dialogic action is extremely unlikely to move the public discourse in a positive direction because it ignores a fundamental building block of civility (Arnett & Arneson, 1999b). In Brownlee's terms it is dissent that does not honour a dialogic condition. It becomes at best a one-way expression.

Second, they ask whether the mode of communication is accessible to anyone who wishes to use it. Certainly, many low-key forms of dissent treated here – such as failure to report carnivore sightings – are a great deal more accessible and less resource-intensive to disenfranchised citizens than pursuing either electoral politics or deliberation in formal channels, so in this regard dissent might rank more highly. But as argued the risks associated with the type of dissent that actually makes a dent – violent, coercive confrontations and illegal acts – impose a high cost on dissenters, and they arguably do not do so equally. *Militant vegans* could sabotage, but this was not a feasible strategy for hunters to use as retaliation because they saw double standards as hitting them hard in the mainstream media (Martin, 2015).

Their third question to evaluate the merits of dissent asks about scope for oppression: "does the mode of communication have the capacity to harm or subjugate others?" (Martin and Varney, 2003a, p. 218). This depends on how one conceives of the moral eligibility of animals as 'others', but provided we work with a baseline of sentience, it is clear that there is immense suffering involved for wildlife—either through illegal kills or through boycotts of tracking injured game. Fourth, Martin and Varney (2003a) ask whether the mode of communication has the capacity to reduce power inequalities between participants. To this we can declare that dissent is typically all about utilising and transforming power inequalities, such as by employing tactics that do not rationally persuade but coerce the authority to respond via pressure-based

politics (Talissee, 2005). At least, direct action serve not as invitations to dialogue, but as the exercise of power (Martin & Varney, 2003a)

Fifth and finally, Martin and Varney (2003a, p. 218) pose the question: “does the mode of communication have the capacity to change social structures?” In theory, deliberative disobedience is termed such because it has the potential to make the system more deliberatively inclusive. But in practice, hunters’ dissent stopped short of resulting in such changes. Admittedly, the potential establishment of a new wildlife management agency may suggest a structural change in the institutional apparatus, but as yet no one knows for certain if it will merely constitute the reproduction of an agency rationality or a fundamental change toward the deliberatively inclusive, to the extent it will happen at all. There is clearly nothing to be gained from the formation of a new agency without the necessary new scaffolding support for deliberation, which has been lacking in all instituted fora in response to wolf management legitimacy problems so far.

In the above sections, the principal justification for dissent has been consequentialist. That is, like any political activity, it must be evaluated on the basis of “whether it is likely to improve the situation complained of, stop it from getting worse” (Macfarlane, 168, p. 51). I have parsed its relative justification to be in terms of whether it leads to a net gain or net loss in the deliberative capacity of the system (Dryzek, 2010). But I have also emphasised that this must be supplemented by applying some sort of deliberative minimum standard for how the act of dissent is to proceed as a mode of address (Fung, 2005), to prevent what Bächtiger *et al.* (2010, p. 48) caution as the danger “that almost every communicative act may qualify as ‘deliberative.’”

15 Theoretical False Leads and Empirical Implications

I have thus far evaluated illegal hunting as a communicative phenomenon: how it can be seen as the circumvention of systematically distorted communication (DiSalvo, 1991) in the deliberative system; how it can function as a direct mode of dialogue between dissenters and politicians (Ceva, 2015); and how it may trigger deliberative dialogue in vertical or horizontal dimensions in the system (Smith, 2004). The preceding section showed hunters' dissent was largely counterproductive in achieving the latter. It often resulted in increasing deliberative inequality and their further disenfranchisement from the public.

In the section that follows, I therefore move toward the restriction of illegal hunting as a communicative phenomenon. This is done by showing the dangers of legitimating it, in particular, with a dialogic framework. It is one thing to argue that illegal hunting gives voice to deliberative deficits. This is clearly so, on deliberative disobedience. On a rudimentary level of communication as a system of signals, it also transmits messages and statements. Yet it is quite another to suggest it constitutes a *way of doing* dialogue in the long-term, or as “deliberation by other means” in response to the failures of official channels (Eckersley, 2004, p. 21). This is naturally contingent on one's definition of dialogue, particularly whether one works with a descriptive or prescriptive account of dialogue (Stewart & Zediker, 2000).

In contrast to merely descriptive dialogue which could plausibly include violence and terror as communicative (Schmid & de Graaf, 1982), prescriptive dialogue has a distinctively moral dimension that is traced to citizens mutually respecting each other and adhering to the principles of public reason-giving (Smith, 2004). Here, they submit, scrutinise and defend validity claims; it emphasises rational argumentation, truth and authenticity and eschews coercion, manipulation or other tactics which do not operate on a basis of reason and the

power of the argument (Martin & Varney, 2003a). We could call this civility. To this, illegal hunting and hunters' dissent scarcely qualify.

Habermas' prescriptive deliberative ideal is, however, routinely criticised by agonist scholars for imposing narrow parameters for political dialogue not typically lived out in pluralistic societies. But these agonist scholars also lay siege to some presuppositions behind dialogue that preceded Habermas: including mutuality, openness, reciprocity, presence, otherness, vulnerability and emergence (see Cissna & Anderson, 2003). Other traditions have framed these phenomena in different terminology; Bakhtin would arguably understand vulnerability as accountability and Gadamer would view openness as expanding one's horizon (Vinthagen, 2001, p. 35). The shared premise to prescriptive accounts however is that dialogue "implies more than a simple back-and-forthness of messages in interaction; it points to a particular relationally based process/quality of communication in which the participants not only meet to exchange messages but to allow fully for changing and being changed" (Anderson, 2003, pp. 92-93). What this means is prescriptive accounts pursue an ideal that is simultaneously predicated on otherness and common ground between claim-makers, like hunters and conservationists.

What does this mean for the characterisation of illegal hunting as dialogic? Indeed, as a mode of dialogue that could be characterised as political communication? The argument heretofore has proceeded in a largely descriptive account of dialogue: asking in what ways messages of dissent are communicated outside of conventional channels. For example, how the decision to snub public agencies, refusal to come to the table and the failure to report data on sightings carry straightforward messages of denunciation and disassociation from policy. But how may such dissent be understood as *prescriptively* dialogic, as anything that is to have a permanent place in the public debate? How do we reconcile illegal hunting and its violent, coercive and frequently clandestine crimes of dissent, rarely presented directly before deliberative scrutiny, as *prescriptive* dialogue? Whose prescriptive account could accommodate such lax standards for dialogue? I posit this is chiefly done within a tradition of agonistic pluralism, and that this is a false lead.

Pluralistic agonism is important to engage with when writing within a deliberative tradition of disobedience, because agonists contend Habermas' deliberative democracy is associated with 'yes-saying' in a way that makes agonism better at handling forms of dissent, which are all about 'no-saying' (White & Farr, 2012). The thrust of pluralistic agonism is to emphasise the otherness and multivocality of dialogue, and criticise normativity of rational consensus, which is seen to result in exclusions because it is hegemonically conditioned (see Maesele, 2015). Agonists embrace dialogue that exhibits

emotion, adversity, dissent and which may comprise non-verbal actions (Ólafsson, 2012; Mouffe, 2009; Sanders, 1997). Such dialogue is more truthful to the plurality of modern societies and reflective of actual power differences that exist between citizens and cannot – as deliberative democrats contend – be neutralised in consensus. In a concerted effort to depart from the exclusionary premises of deliberative democracy, then, agonists want to embrace “direct action, protest, everyday group associations and the formation of collectives, as well as more formal institutional and ordinary practices of democracy and decision-making” (Bond, 2011, p. 175). In short, the implication is that we may need to consider much of hunters’ dissent as dialogic.

Typically, agonist democracy is promulgated as antidote to the exclusionary premises of the ideal speech situation. Agonists entertain the idea of including increasingly disruptive tactics within the orbit of politics and dialogue, asking whether such normalisation would really be such a bad thing (Martin, 1994), since “protest is very much a communicative act” (Dahlberg, 2014, p. 119). They remain critical toward the universal reason espoused by Habermas’ communicative action, in that it substitutes the embodied moral subject with an abstract disembodied entity marked by hyper-rationalism (Gardiner, 2004). Illegal hunting, on this view, cannot be disqualified from agonist dialogue simply because it is uncivil, non-deliberative direct action. Such forms of dialogue must be permitted on this view, especially when these actors have no voice in conventional participative channels on the policy they contest.

In uprooting prescriptive dialogue from communicative action, agonists thus legitimate messier forms of contestation that proceed in private or counterpublic arenas. Such acts embody coercion and unaccountability and open up for a problematic “letting in [of] every form of communication” (Bächtiger *et al.*, 2010, p. 54) where “anything goes” (*ibid.*, p. 49). Pellizzoni (2003) argues that they even move us increasingly into a realm of relativism, subjectivism, particularism and incommunicability. Some traditional deliberative scholars argue normalising such communicative practices as dialogic should be resisted (e.g. Thomassen, 2007). I am not in complete agreement with this assessment, as I am prepared to admit all actions have *communicative dimensions* of some sort (Martin, 2008). But I argue the abovementioned scholars are right in that we must be wary of attributing it with *prescriptively* dialogic characteristics, seeing it as an end in itself. In Gray’s words (2012, p. 28) “granting that silence can communicate is not the same as agreeing that it should communicate.” To this end, systemic deliberative democrats mostly avoid this risk, as most permit that these acts are justified only to the degree that they promote the possibilities for a more rational-critical – or civil – deliberation at a later date (D’Arcy, 2007).

15.1 What are the Dangers of Taking Dissent as Dialogic?

There are four precarious implications to legitimating the kind of dissent manifested by hunters in this study as dialogic in any prescriptive sense, which will be discussed below. First, any dialogue that rejects accountability and reciprocity, taken as situations which involve a moral obligation on the part of the interlocutor to listen and respond, suspend requirements of intersubjectivity between interlocutors (Smith, 2012b; Arnett & Arneson, 1999c; Graumann, 1995). In so doing, it violates a central dialogic prerequisite of immediacy of presence (Cissna & Anderson, 2003). Persuasion works poorly when one's oppressors are far away from the action (Martin & Varney, 2003b). Indeed, the condition of plurality, required for deliberative dialogue, does not obtain in enclaves (Cohen, 1989). Without discursive opportunities for responding to claims made, as in illegal hunting, the arenas in which such dissent is expressed become echo-chambers for affinity groups (Welchman, 2001).

To recall, this has an uncritical and distorting effect on truth. Hunters cease to engage with others, enclaving themselves in a counterpublic milieu where some radicalise to extremism. It is true, on Mansbridge's (1999b, p. 222) argument, that dissenters sometimes need enclaves free from the burdens of accountability and publicity precisely "in order to think freely about the problems that face them." But she also makes the important point that full accountability needs to undergird the later public stages of their political dialogue. This may be similar to what Brownlee (2012, p. 218) depicts as the dialogic condition of disobedience: it is not enough to engage in a one-sided monologue with the public and state; the act should be dialogic by implying "a mutual orientation toward progress in common understanding."

More problematically, insofar as many of these crimes of dissent communicate at all, they do so in highly diffuse ways (Rothfus, 2012). As contended above, it means the semiotic process around understanding and responding to such dissent take place within a receiving audience that is isolated from the original interlocutor, unable to critically question them or compel from them justification of their claims. It befalls the analyst or, worse, the media, to signify what it is they want. By having others infer meanings and commitments from the dissent, Gray (2012, p. 13) cautions that silent dissenters "risk losing control of their silence's meaning – especially if they have little or no opportunity to correct misinterpretation." They are vulnerable to misrepresentation of their abstentions and conscientious objections as constituting permissive acceptance of the regime. Their abstentions from reporting carnivore observations to their CABs, for example, could just as well be interpreted as tacit acceptance of the state agency's competence in arriving at population statistics and hunting quotas, when in fact

the abstentions told of the opposite. In Habermasian terms, evasive dissent also violates transparency; in enclaves, motives are neither socially evident to the rest of society nor restricted to participating in a collective search for truth.

When compared to deliberative ideals in which the claims and counter-claims of dissenters and state representatives can be mutually scrutinised for their validity, dissent like illegal hunting denotes a form of dialogue that shields its instigators from the rational scrutiny of deliberative processes. Such dissent fails to expose its validity claims to the deliberative faculties of another. It thereby rejects any possibility of being changed in the dialogic process (Cissna & Anderson, 2003). Talisse (2005, p. 428) argues that questions of justice in these cases are “essentially settled” for the dissenter, qua failure to be subjected to any further scrutiny, consideration or compromise – his epistemic confidence (or “epistemic arrogance” in Garner, 2016, p. 13) is such that he already knows what justice is in this case, and what its implementation requires. Truth is privatised in the dissenter’s own moral conviction and is not the result of a collective process of deliberation where each participant can be rationally persuaded. When we engage in the kind of disobedience that is aimed at reinvigorating dialogue, moreover, we demonstrate epistemic modesty and reflexivity to our beliefs, while simultaneously demonstrating our cause can be credibly and reasoned defended (Smith, 2014; Brownlee, 2012a).

By contrast, shielding the dissenter from deliberative scrutiny is particularly the case where anonymous action is concerned. As demonstrated above, anonymity and failure to bear witness are also often counterproductive to the cause of dissenters. It obscures the message one wants to send (Martin & Varney, 2003a). It makes it easier for meanings to get away from the dissenter, and for his actions to be misconstrued by media outlets or hegemonic powers (Smith, 2012b; Colomy & Granfield, 2010). This was not least evidenced in the retrospective signification of the crimes of dissent by Stig Engdahl.

The second dangerous consequence to legitimating acts of dissent in this way is that we risk the normalisation of potentially problematic events. We “set a dangerous precedent” (Hadley, 2015, p. 679) toward boundary stretching of non-deliberative forms of communication. Even if we permit these events may not be problematic *in themselves* simply by failing to conform to the calmer currents of deliberative requirements, their normalisation often results in a lack of attention to the defective background conditions that contributed to their rise. Why, then, is this so? Ultimately, I do not think it controversial to declare both deliberative democrats and agonists understand dissent as resorts taken by actors who lack access, voice or the capacity to meaningfully participate in institutional fora. These often involve a great deal of risk of personal harm, may result in collateral damage, and are otherwise extreme ways of doing

dialogue in most polities (Martin, 2008). They are meaningful to the subaltern, in Young's words, only because they have no other choice. The agonist perspective particularly when it meets the tendency to politicise everyday practices as dissent, may therefore normalise these as everyday sense-making dialogic acts, without attending to the underlying conflicts and deficits of which these are so often symptomatic in contexts of dissent (Gledhill, 2012).

The third consequence pertains to the increasing 'impurity' of dissent and the rationales of dissenters. In the previous chapter, I considered relaxing of the purity of the dissenter's intentions to include material gain, side issues and direct action. That is, it had not only to be about procedural goals, but could comprise substantive change as well. But here I raise a critical objection to my own argument. There is cause for concern when we normalise dissent that tends, for example, increasingly to the coercive, violent, self-promotional or otherwise selfishly motivated (Gantchev, 2009). Violence and coercion at least seem normatively out of bounds for the dialogue espoused by pluralistic agonism, to say nothing of communication ethics generally. Legitimizing such characteristics as part and parcel of a healthy democratic culture necessarily opens up for some deeply problematic and volatile formats for expression that may tend to the escalation of dissenters' tactics (Gantchev, 2009).

In the introduction of this dissertation, I observed that out of all manifestations of hunters' dissent, illegal hunting was the most prescient and noxious manifestation in this particular context. The rationale for this is because it denotes an escalation toward, in one sense, beyond politics. It goes beyond the counterpublic (von Essen et al., 2015). This is best elucidated in Martin's (1994) distinction between two forms of dissent with different consequences: protest by appeal to government vs. protest by direct action. Both have been encountered in this study. But the latter, like the illegal hunting of wolves on the *Italian Model* of wildlife management is that which is dangerous to legitimate, because it has ceased being about moral persuasion petitioning decision makers (the standardly "indirect approach of reliance on elected officials" in D'Arcy, 2007, p. 2). As part of this turn, it has purchased action at the cost of dialogicality. It is also the sort of dissent that was arguably *most* encountered in this study, as hunters assume their own social control and mete out their own popular justice as consistent with their moral code. Here dissenters take direct action that in itself furthers their aims (rather than relying on the government to do it for them). This is commonly the format of dissent that is taken as a warning signal to the state (Martin, 1994). On this view, hunters may lobby and demonstrate for a more democratic and response wildlife management – even in non-lawful ways – but they cannot themselves

implement it in the woods. To do so is to replace dialogue or calls for it with the exercise of power and autonomous action (Martin & Varney, 2003a).

To allow for direct action to constitute dialogue, then, is part of a slippery slope (von Essen, 2016). Indeed, Allen (2009) argues that once a certain threshold of standards has been crossed, there is no longer any practical possibility of returning to rational persuasion. Inasmuch as agonists argue the arrangement benefits the deliberatively disadvantaged, like hunters in this case, we also need to consider the fact that it also encourages listening to those who shout the loudest. Importantly, this will rarely include the people truly on the margins who lack the organisational power to mount the kind of disruption that makes a dent (Piven & Cloward, 1997). It means, furthermore, that increasingly acrimonious dissent may draw on the medium of unconventionality to divert attention from its content. It becomes a display of demagoguery over reason, focusing on the dissenter's character and charisma (Martin, 2008; Arnett & Arneson, 1999d) which may valorise uncivility and disruption for its own sake. Paradoxically to agonists, then, increasingly uncivil political communication may disenfranchise ordinary citizens (Fiorina, 2009).

Fourth and finally, the embracing of dissent as prescriptively dialogic relies on Mouffe's (1999) characterisation of interlocutors as adversaries, which takes us further from a common ground on already contentious issues like wolf conservation. Indeed, the common ground that was sorely needed both by hunters' admissions in this study and by scholars (see for example Linnell, 2013). Hence, while normalising adversity may be a realistic reflection of many environmental conflicts, not least the wolf conflict engaged with here, it is less certain that it is the constructive approach to take. A preoccupation on adversaries necessarily turns the dialogic forum into arena in which combatants are encouraged use any means at their disposal – apart from civility and rationality which are held as hegemonic products. In so doing, it antagonises citizens and slots them into predetermined polarised positions from which to do battle. Foucault understands agonism in similar terms: an opportunistic pursuit of games of power (as interpreted by Butz, 2002).

We have seen such adversarial games of power extensively throughout this study, in courtrooms, in game management delegations and on moose management boards. The issue of preconceived identities and stakes, and hence assumptions about potential for collaboration or lack thereof, now profoundly challenge wolf conservation (von Essen & Hansen, 2015). It assumes “the *a priori* mutual incomprehension of views and renders authentic dialogue superfluous” (Gardiner, 2004, p. 39). To hunters there was *no point* to discussing with some. Hence, by focusing on already delineated relations between discrete stakeholders, agonism does not offer anything new or

especially constructive in terms of dialogue between citizens. On Arnett and Arneson's (1999a) perspective, their approach rather atomises and privatises truth with individuals at the expense of common ground from the outset, something which must be harnessed in an age of diversity and difference. The sorts of argument by 'emotion' or 'relation' sanctioned by agonist approaches do not permit public validity testing, but rather *minimise* the public domain (MacIntyre, 1984). Power asymmetries and conflict are ubiquitous in civil society, not least regarding environmental issues. There is thus no need to *promote* these already strong orientations in the polity as a whole.

In summary, the tendency to expand what constitutes dialogue on contentious issues may appear more realistic in postmodernity. It is also tempting to apply to the 'no-saying', embattled character of dissent as a mode of address. The development arguably resulted from observed failures of consensus approaches to dialogue, recognising the need for radical alternatives that recognised plural forms of e.g. expressions of the subaltern. Unfortunately, the direction in which agonists have taken this expansion of dialogue also involves some precarious implications. I have characterised these as the failure of dissenters to have their arguments subjected to rational scrutiny by operating in enclaves, as was overwhelmingly the case for hunters' dissent; the failure to conceive of these practices as symptoms of systemic problems deserving of institutional correction; the escalation of violent tactics once the bar has been set; and finally, how the agonistic understanding of dissent meant the *de facto* fragmentation of the societal arena for dialogue, slotting citizens into predetermined roles and encouraging strategic rationality. On the basis of this, I venture the argument that agonism is therefore not a radical new alternative to anything within the liberal paradigm in the relevant sense, being instead yet another approach fragments the common into private liberties. To Dahlberg (2014, p. 128) this means a reduction of political communication to "the strategic struggle between interest groups for the attention and support of an audience of self-seeking and divided private individuals."

15.2 Getting Back to Deliberative Premises

Agonists' normalisation of non-deliberative modes of communication is potentially also risked by systemic deliberative democrats (Owen & Smith, 2015). Here I observed that the categorical vs. systemic appreciation for dissent meant we may "leap too soon to find positive deliberative consequences in intrinsically non-deliberative practices" (Stevenson & Dyzek, 2014, p. 33). To this end, three things separate agonists and systemic deliberative democrats on this argument. First, the latter scholars still require such dissent to have as its

end goal reinvigorated deliberation *at some later date*. Second, deliberative democrats are not entirely comfortable with the consequentialist assessment of dissent, arguing for the requirement of a deliberative minimum in the way in which the dissent proceeds. That is, it needs to be both categorically and systemically deliberative. Hence, we need to be critical toward counterpublic practices that are of “poor deliberative quality” (Toepfl & Piwoni, 2015, p. 483) regardless of the goals behind them or the effects they produce.

The third way in which systemic deliberative democrats differ from agonists on this score, and ultimately offer a more constructive way forward, is that they *operate* with an ideal in the first place. This is imperative for understanding and constructively responding to dissent like illegal hunting. It entails embracing a normative benchmark against which its *non-ideal* characteristics become visible (Arnett & Arneson, 1999a; Chambers, 1996). This turn “enables us to identify the avoidable and the ‘unavoidable’” (Humphrey & Stears, 2006, p. 415). I posit that a deliberative democratic ideal is needed not only to correct the deliberative deficit described in this study, but to allow for a common ground from which moral differences can be centred in a civil manner (Arnett & Arneson, 1999a; Benhabib, 1992). To advocate for civility in dialogue is not to preclude contestatory arguments; it is simply to “set the criteria for their communicative expression” (Dahlberg, 2014, p. 120) and in so work with an ethical commitment that helps us to keep the debate going at the level of the public.

As Warren (2006, p. 167) observes, deliberative democracy can address contestations in a constructive capacity by having “reasons and opinions exchanged, and arguments offered, with the goals of finding common ground where possible, clarifying disagreement where there is not, and legitimating the outcome.” The point is to resolve conflict “through talk, as opposed to coercion.” Or, in Habermas’ terms, through the unforced force of the better argument. On the deliberative democrat’s argument, ‘saying no’ is not purged from political dialogue (Gutmann and Thompson, 1998, p. 94), but built into the deliberative process in a more principled manner than in the sort of dissent discussed here (White & Farr, 2012). Even where there’s strong moral disagreement on “fundamental political issues” (Gutmann and Thompson, 1998, p. 93), like wolf conservation policy, deliberation enables us to reproduce a public philosophy for deliberating such policy that is also compatible with continuing disagreement.

One might anticipate the counterargument from poststructuralists already at this juncture: if we exclude adversarial expressions like crimes of dissent from the repertoire of political dialogue we reproduce an impossibly narrow standard that is not likely to ever be approximated in pluralistic societies. To

this staged argumentation between agonists and deliberative normativity, however, I emphatically argue that when faced with challenges to ideal communication, the solution does not lie in *normalising* responses to these challenges, but in addressing the root causes to them. This can best be elucidated in an adaptation of Martin's (2008) metaphor of dissenters functioning as the body's warning system. If pain persists, he argues, it may indicate a serious disease. This is likely premised on Habermas' understanding as the protest sector of the public sphere providing a warning to the 'core' and the more formal publics.

Taking this anatomical metaphor to its end, we could argue that an agonist normalising of dissent would be equivalent to simply living with – and indeed embracing – the pain as acceptable. Agonist diagnosticians would argue the parameters for what constitutes a 'healthy' body in the first place appear somewhat narrow and that pain is natural. This would realistically be reflected in an accommodating policing strategy for illegal activists (Smith, 2012c); accommodating in the sense of tolerating. As the body becomes used to a certain level of pain, we would fail to register less severe expressions. So used to a ringing headache, it would take a ruptured brain aneurysm for us to seek help. More instrumental approaches on the part of institutions worried about dissenters' threat to the legitimacy of the system suppress the pain with short-term reliefs like pain medication—deterrence and enforcement.

But a deliberative democrat committed to protect the deliberative integrity of the deliberative system would try to diagnose the source of the pain and provide treatment back toward a healthy body. My purpose with this metaphor is to illustrate that an implication of normalising dissent that proceeds evasively or coercively is that we do not commit ourselves to respond to it or treat its underlying causes. To respond, moreover, is to exercise responsibility (Friedman, 2003). It is to take seriously the plight of the subaltern, including what drove them to non-lawful, non-deliberative channels of contestation that involve risk and harm to themselves. Stated otherwise, only with a deliberative ideal for how dialogue should look like can we, first, recognise a non-idealness to dissent as dialogic practices and, second, critically examine the deficits and exclusions which drove them to such channels in the present.

Nevertheless, a second counter-argument may be anticipated from agonists here. Namely, that it was the hegemonic deliberative premises that drove dissenters to the barricades in the first instance. Indeed, that the deliberative system proceeded by a type of hegemonic reason that was conditioned by the elite and was exclusionary of hunters' styles of argumentation. This, however, can be swiftly countered by two arguments.

First, the critique would fundamentally misapprehend communicative rationality and deliberation as one which encourages the search for universal, objective and absolute truths. Habermas' deliberative democracy sees the truth to be that which is intersubjectively valid. As such, there is no independently and foreordained operating reason above the deliberative dialogue that takes place, as is a remarkably common charge against Habermas (Gardiner, 2004). The truths at which one arrives should be collective, social products.

Second, the above chapters have examined in some detail – from the perspective of hunters – the conditions of democratic suboptimality in the deliberative system and found them, rather, to be in the form of *failures* to meet basic deliberative ideals in the first place. The previous example, of a hegemonically conditioned scientific reason, is not so much a manifestation of deliberative democracy as it is a primary obstacle to its realisation. While it is true hunters intimated normativity around objective fact and logic could disproportionately empower interlocutors to the point of deliberative equality, particularly in the right technical-ecological discourse, this is not a deliberative condition. On the contrary, it is systematically distorted communication to any deliberative democrat. Failures of this kind “are not restricted to deliberation but result from interest groups politics in general” (Garner, 2016, p. 19).

Such problems were mainly traced to the colonisation argument: non-deliberative means were increasingly launched to influence the debate. Sometimes this was subtle, in terms of being a function of the vertical rather than horizontal way in which citizens were engaged in formal publics. This included building their participation on the basis of predefined interests from constituencies – a genre of engagement that is suggestive of electoral politics rather than deliberative discourse. As we have seen, electoral politics – here in the form representative stakeholders in game management delegations – are frequently conducive to strategic coalition building, agenda-setting and manipulation (Martin & Varney, 2003a). As per this predicament we have also seen that arguments in themselves do not carry merit, but rather *the right kinds* of arguments, insofar as a technical-ecological discourse has collapsed or crowded out moral, aesthetic, ethical and cultural reasoning. Further, deliberation has not been especially meaningful inasmuch as democratically mandated decisions have routinely been overridden by powerful interests.

But in the end, anti-deliberative inertia of different kinds were the primary means of excluding hunters from the deliberative system. Hunters now knew there is little or no use to challenging ENGOs legal appeals though conventional means, as the lengthy procedures will ultimately forfeit any possibility of getting a wolf hunt in the time required. In addition to favouring experts like lawyers, complaint procedures, commissions of inquiry and legal

means are typically also oriented toward technicalities rather than social justice (Johansen & Martin, 2008). Conventional channels may be more likely to give the appearance of uptake, but this is ultimately orchestrated in such a way as to reify legitimacy with powerful interests and the institution.

In summary, *anti-deliberative* inertia is what drives hunters to the barricades, not deliberative conditions like authenticity and openness. If the case *could* somehow be made that it was in fact the rational-critical norm of deliberation—to which some social groups, like conservationists—may have an easier time adapting to and thus gain an advantage over hunters, Habermas' response would likely be that it is not this norm itself that is at fault for asymmetrically empowering and disenfranchising citizens. It would probably rather be “the uneven distribution of the sociocultural resources necessary for engaging in rational-critical deliberation” (Dahlberg, 2014, p. 29). However, to suggest hunters objected to a rational-critical norm of deliberation is a clear misdirection of their criticisms; if anything, they often charged conservationists for failing to adhere to this norm, using non-deliberative means to further their goals, and playing on emotion and sentimentality over large carnivores.

15.3 Toward Reconciliation for Hunters

The more practical question now becomes: how do we provide the deliberative premises for reengagement of disenfranchised hunters to prevent crimes of dissent from ever becoming necessary? How do we create deliberative platforms that are both civil and able to accommodate citizens' contestation in a more productive capacity? How can we make law the mediator between the lifeworld of hunters' and the instrumental logic of the system? These important questions concerning the best institutional (or other) design for public participation will be the subject of the next and final discussion. The ideal will provide emancipation from both ends: bottom-up premises that provide a long-term remedy, and a more pragmatic meeting of current dissenters in fora of contestatory deliberation. The second prong to this approach is motivated on the basis that urgent mitigation may be required for dissident hunters. While different in these respects, the two approaches are also launched from the same normativity, encompassing horizontal engagement by citizens.

15.3.1 Arenas for participation

My research has been extensively devoted to finding alternative formats in which hunters and other citizens find meaningful and legitimate (e.g. von Essen *et al.*, 2016; von Essen & Allen, 2015; von Essen & Hansen, 2015). Observing first-hand and second-hand accounts of distorted communication

involving hunters, I have argued participative processes need to be deliberative in the sense of giving equal cachet to different forms of argumentation and discourse (von Essen, 2015); they need to be citizen-based and not stakeholder-constituted (von Essen & Hansen, 2015); they need to provide discursive opportunity for contestation out in the open (von Essen & Allen, 2015); and they need to hold decision-makers and political representatives accountable, by placing the onus also on them to provide continuous justification of wildlife management decisions that is accepted by all (von Essen *et al.*, 2016).

Are such demands able to be met by one forum, or do they require multiple arenas? As the reader will have noted in this study, I have been highly amenable to the systemic turn in deliberative democracy in this dissertation (see Felicetti *et al.*, 2015; Girard, 2015; Owen & Smith, 2015). This might point the way toward multiple interlocking fora collectively contributing to the increased capacity of the system. As Stevenson and Dryzek (2014, p. 26) put it, it “may be expecting too much of any single forum to redeem the promise of deliberative democracy—especially in a complex world of multi-level governance.” The systemic turn can also be understood as consistent with Habermas’ understanding of the public sphere where, as contended, he distinguishes informal and formal sectors and sees transmissions between them. This is further developed by Mansbridge and Dryzek, who see that deliberative bodies of varying formality interlock as a network, providing checks on each other, and distribute the burden of decision-making more evenly across multiple fora. On the systemic view, the strength of such fora lie in their embeddedness—one forum does not need to be complete, but should be complemented and checked by others (Böker & Elstub, 2015).

I believe the systemic view still holds the key to reinvigorating the deliberative system in this case. What is needed, in particular, are horizontal spaces of public engagement to supplement the vertical electoral politics of stakeholder models which, without the backing of a citizens’ discourse, have a difficult time legitimating anything. Nevertheless, I recognise that meeting the deliberative deficit by way of reinvigorating multiple arenas in the deliberative system will also be a hard sell to hunters. A principal finding in this study has been that hunters deeply oppose the existence of multiple, interlocking platforms. They would rather see all hunting issues consolidated within one perfect and deliberative institution, to the extent this is possible. As interlinkages are seen by hunters to induce the kind of inertia that contributed to their disenfranchisement, we will need to think carefully before instigating platforms whose coordination will involve substantially more bureaucracy.

For this reason, the rumoured new wildlife management agency is attractive in its consolidation of tasks, potentially addressing institutional problems of

size and scale of wildlife management. It would ensure that as far as legal appeals go, the buck stops at this agency and is not tied up in higher or supranational courts. It would have clear mandate. But the hunters who endorsed this as an alternative arguably also fail to appreciate their vulnerability, and the vulnerability of the deliberative process generally, with consolidating such power with one agency. They fail to appreciate their vulnerability in that unless the wildlife management agency is rigorously undergirded by a new set of scaffolding that protects deliberation, it risks simply reproducing past problems. Indeed, even if constituted from an entirely new set of staff without prior ties to the SEPA or the CABs, for example, as a state institution it is bound by a neoliberal steering logic and instrumental rationality at a basic level of organisation (Hansen *et al.*, 2016a). Such an environment is not conducive to citizen deliberation materialising within its ranks, unless concerted efforts are made to interlink the decision-making of the agency with a more citizen-controlled fora of deliberation-making.

15.3.2 Composition of fora

Besides the venue in which new public engagement is sought, we can also control another variable: its composition. This will be partly contingent also on where the venue lands; for example, it is likely that the more formal publics in the deliberative system, directly informing decision-making, will inevitably invite representative electoral participation to ensure accountability. But venues located further from the core of the deliberative system, unburdened with direct decision-making power, need not be so unimaginatively comprised.

Because their function should be deliberation-making rather than decision-making (while feeding into decision making processes) there is an opportunity to constitute these venues with citizens who are not preordained by the steering logic of the system and its interest domination. Indeed, the sorts of fora can involve citizens who participate with multiple rationalities. The call for such fora was sounded both in hunters' own criticisms of the present divisive stakeholder approach, as well as in the more scientific-theoretic critique toward such formats as reproducing a fragmentation of the common.

We can link up the stakeholder approach also to agonistic pluralism. They both approach dialogue as a game of power that puts citizens on a path toward the agonistic and adversarial. Here, truths about people have been acquired *a priori* and not arrived at jointly in an intersubjective process of public reasoning. Turning to the difficult question of who should constitute the demos (Goodin, 2007) in this case and more generally, my answer is this: it cannot continue to be an *a priori* interest-based public if one wishes to legitimate the enterprise with the popular label of public participation. The term public

participation becomes meaningless when the public is engaged in predetermined premises, frozen in their relation to one another by the state.

It can be noted the stakeholder-based model of participation partly grew from corporate business management in the 1980s – that was all about protecting the private autonomy of the corporation and the individual. Its legacy is now potently felt in contemporary natural resource management, not least here, where normative competence is understood in terms of stakes, “the latest incarnation of the liberal art of separation” (Pellizzoni, 2003, p. 214). The ‘common good’ of natural resource issues is said to be best served when stakeholders promote their personal aims, as in a corporate enterprise (Argandoña, 1998). But needless to say, deliberative democrats oppose this model. They argue sectional and vertical lines of public engagement in stakeholder participation are “unlikely to produce the open-ended deliberation required to institutionalise a deliberative procedure (Cohen, 1989, p. 152). They are, indeed, unlikely to result in a common will.

Hansen *et al.* (2016b) contend the stakeholder format results in increased interest polarisation and a tendency to shield oneself from the unpredictability of others. In effect, the sort of enclaving exhibited by the hunters in this study. This is reproduced in the sorts of institutional premises in which they meet, like the GMDs, and infects ways of relating to one another throughout the deliberative system. The stoic mastership view of the self is increasingly criticised as reproducing the view that subjective conceptions of the good are apolitically constituted and independently scripted (see also Lilja *et al.*, 2013; Rostbøll, 2008; Francis & Silvers, 2007; Manin *et al.*, 1987).

But the liberal notion of private autonomy ignores the fact that there are always coercive social forces on will formation that operate in the private sphere, not least in counterpublic enclaves and the self-professed like-minded hunting teams in this study (von Essen & Hansen, 2015). I thus agree with Habermas that such sites by and large comprise of traditional and unreflexive values, and require some higher level of moral abstraction in deliberation to be rendered reflexive. They should not merely be enacted through aggregation. Taken further, Böker and Elstub (2015, p. 131) are adamant deliberation is so difficult to achieve naturally that its preconditions will need to be “artificially created” and even nurtured over a period of time. This adds urgency to the call for devising new fora that have a different scaffolding than e.g. the GMDs in the present. In GMDs, the liberal preoccupation with private autonomy contributes to a view of interests as fixed dispositions which are unresponsive to intersubjective reason (Talissee, 2005). They are belongings to the individual, and the individual must be protected from being robbed of them.

I have noted that a corollary of the present approach is that participants conceive of each other in overwhelmingly strategic terms: who might plausibly be an ally with whom a coalition can be formed (e.g. Matti & Sandström, 2011); who are *a priori* jettisoned as delegates unable to be reasoned with because of perceived (or actual) polarised interests; which sorts of arguments and discourses can I harness to my strategic advantage in promoting my interest (as in Pellizzoni, 2003)? All of this was visible in current wildlife management. *Mud-slinging* from bunkers and entrenched prejudices about delegates challenged county game management delegations.

When it came to acts of dissent, the adversarial thinking behind the normalisation of such contentious politics was criticised earlier in this chapter as reproducing a fragmentation of the common. This was inasmuch as the celebration of agonistic, emotional, coercive, spectacular, or disruptive expressions of politics reproduced a preoccupation with conflict and stakes rather than with consensus. It was a move, moreover, which brought us into relativism and incommensurability (Pellizzoni, 2003). Would a forum comprised by citizens rather than stakeholders bring us back toward a common ground and toward epistemic modesty on questions of justice? I believe this is so, but not automatically. In practice, it will always be vulnerable to strategic rationality and non-deliberative forces that seek to rationalise and thereby distort the process (as can be seen in von Essen & Hansen, 2015).

Indeed, even if we can minimise the influence of a neoliberal steering logic dominating these channels, institutional venues are vulnerable to systematically distorted communication (Hansen *et al.*, 2016a). Deliberative procedures are likely to be co-opted if not protected. This accentuates the need for a balance where the deliberative forum needs to be a sufficiently emancipated space of citizen control to withstand institutional logic, “an obvious precondition” to its integrity in Böker and Elstub’s (2015, p. 133) words, at the same time as it must be consequential in terms of impact on decision making. A critical deliberative mini-public of citizens, for example, will not make much dent unless it is explicitly integrated in policy-making. To Habermas, this meant constitutional protection for deliberation. To this research, it means protecting the integrity of a free space by having it be initiated by citizens, facilitated by independent persons and at the same time ensuring it be in a position where it can inject critique into decision-making.

If such a forum can be achieved, its independence from institutions would inoculate it against stakeholder-structured participation. It would allow citizens the freedom to collectively develop visions and open up for a mode of public participation where problems and interests have not been formulated, but where a context of discovery and imagination sets the tone for discussion

rather than relating to each other in predetermined adversarial roles. It is true, however, that even if the above institutional steering logic could be averted in citizen-controlled fora, we still have a way to go to ensure deliberation materialises. It is not, after all, as if citizens enter these fora as blank canvasses. There will be a tendency to become strategic-instrumental on the part of many.

One way to partially mitigate this in practice is to ensure a demographically, rather than interest-based representative sample of citizen-participants enter the arena. This could plausibly include hunters, but not in their explicit position as hunters, and not in a disproportionate capacity. Indeed, it is less feasible to believe mutual understanding will materialise between embattled parties—hunters and conservationists with disparate agendas. To this end, part of the function of deliberation may be to expose wedges for reconciliation between what may merely *seem* to be irreconcilable perspectives, but realistically this will be difficult to realise between a high-ranking member of the National Hunters' Association and a life-time activist with the Swedish Association for Nature Protection.

It is clearly more fruitful to try to engage the broad mass in the middle in these sorts critical fora—Swedish citizens who have some things in common. This is, in part, what this dissertation has attempted to do by focusing on the silent majority within the hunting community (as the counterpublic). The fact is, a majority of these *can* be reached. They are also more productive contacts to engage with in the sorts of deliberative fora I have laid out above, given radicalisation psychology's finding that it is more important to access the affinity groups around which individuals radicalise than attempting to directly target an extremist (e.g. Koomen & Van Der Pligt, 2015). If one senses that significant others in one's milieu accept the validity of a regime and the deliberative processes that undergirds it, that regime may become normatively prescriptive even for the person who has had little or no personal experience of interacting with the regime (Berger *et al.*, 1998). This is a way of reaching the off-the-grid hunters who would not normally personally partake.

But enlisting citizens rather than activist hunters or conservationists on a fundamental level of demographic selection is not an infallible plan. In Sweden, there is no tradition of e.g. jury duty where citizens are summarily drafted into undertaking deliberation as duty. For the most part, public participation even in local citizen-controlled fora tends to attract the usual suspects, weeding out indifferent citizens for goal-oriented actors on a fundamental level. If our forum thus remains partly subject to the moral controversies and value pluralism that exist around wolf conservation, what else can we do to find a common ground? In the next section, I take a look at some of the specific deliberative procedures that could be enacted.

15.3.3 Deliberative procedures

The actual deliberative process within the sorts of fora enumerated above cannot, so much, be controlled in advance. As contended, we can provide it with scaffolding in the form of a considered composition and position in the deliberative system, but the rest may be up to the intersubjectivity of the process itself. Even then, however, independent facilitators can oversee the process to nudge it in the right direction, in terms of ensuring participants focus on the substantive and the common, rather than the relational and the private.

More practically, what is needed in the present is the sort of deliberation that, if not has the power to *transform* opinions entirely, at least encourages participants to transcend stakes. This could be done, for example, by ensuring the deliberative exercise of raising one's lens above the proximate issue at hand to a more abstract level. One example would be in challenging a hunter's aversion to the wolf as something not belonging to the local landscape. We can inquire as to what provides the basis for this citizens' opposition, and for this claim in particular? This can be clarified by asking him if he considers tigers to be similarly out-of-place in the local landscape(s) of India. If the answer is no, and that tigers have a right to exist here, we will have determined that his opposition is not actually about human-carnivore co-existence. It is about something else. This provides the first crack in the wall where deliberation can chart a way forward.

If the answer is yes, we are dealing with someone with a different value ground, so he or she will not be convinced by any arguments presented to the contrary (Manin *et al.*, 1987). Hence we will have to start from some other proposition. Do large carnivores have a right to exist anywhere in the world? By continued questioning of this kind, we may reconstruct participants' value trees and expose their principles in their abstract forms (Renn, 1999; Von Winterfeldt, 1992). This helps transcend the intractable controversies (Harvey, 2000), which easily obfuscate a mutual understanding of validity claims. We look for overarching values that carry the potential to reconcile participants where deep moral commitments otherwise preclude them from reaching consensus. Starting claims need not to be those of individual citizens, should they feel as though their claims in particular on put on the spot. Claims can also be framed by another citizens. Propositions subject to such scrutiny can be derived from generally accepted conventions shared in this particular audience. The important exercise is scrutiny and defence of claims.

By collectively examining participants' value trees, it is possible to arrive at a shared set of principles – however basic this set may be in some cases – that lead to the formulation of actionable solutions and compromises (Pellizzoni, 2003). But the deliberative exercise itself is important. Deconstruction into

abstract principles exposes citizens to the contradictions in their desires. In so doing, they participate in a process where they can make their values more compatible with others that they hold (Manin *et al.*, 1987). This is why I have ascribed so much importance in this study to acknowledging the ambivalence manifested within hunters. Hunters' attitudes toward power sharing agreements between landowners, for example, manifested the kind of ambivalence that could be unpacked in deliberation. Indeed, ambivalence of hunters should be seen as providing an opening wedge into deliberation, making them realise some institutional, supranational or public oversight of wildlife is required to off-set self-conceded limitations of full sovereignty.

15.4 Contestatory Deliberation in Mini-Publics

The proposal thus far has been (1) stakeholderless citizen controlled and constituted deliberative fora (2) that are sufficiently emancipated as horizontal spaces for engagement from, and yet also (3) integrated with, the electoral politics of e.g. a new wildlife management agency in Sweden, and which (4) follow deliberative deconstruction of claims until participants reach a common ground, mutual understanding or consensus. The solution will require significant investment of time, money and facilitation. If successful, it charts an optimistic way forward for a bottom-up approach to wildlife management in which citizens start out as equals, and strive to find the common.

It was however noted that these citizens had to be reasonably neutral participants, or else the challenge of strategic rationality would be too profound. Indeed, they had to be citizens, and not embattled stakeholders. This leaves the question: what of the *already* many recalcitrant hunters (and conservationists) who believe the system to be entirely unresponsive to their needs and interests, too distorted to enter into, and the wolf issue too hot to deliberate over civilly as citizens? They may consider themselves way past a dialogue as citizens. This was a minority attitude on the part of hunters in this study but respondents spoke of peers who were more radicalised and unlikely to reconcile with the system in civil participation (and which may have been filtered out of my interview selection because they were unwilling to participate in the research). Clearly, and as illegal hunting and dissent testifies to, some are so alienated from the system there is little hope for a citizen-based deliberation at this point. At least, it would be extremely difficult.

The difficulty of engaging activist hunters in citizen-controlled fora motivates a parallel solution to grant uptake to dissidents. I propose that the approach presented above can be repurposed as a shorter-term relief to this end. While the goal is to build a new wolf management deliberative regime

from the bottom up, the current intractability of the debate seems to call for more contestation-based participation. That is, deliberative, citizen-controlled fora that do not operate altogether differently to those described above but which have as their particular task to scrutinise and hold institutions accountable for their decisions. On this suggestion, representative citizen constituted mini-publics would inject critique into the distorted deliberative system, either asking decision makers to justify substantive decisions in a way that satisfies the public or in drawing attention to procedural distortions that prevent the system from functioning as an arbiter on the wolf issue.

The idea of contestatory mini-publics belongs to the third wave of deliberative democracy, but is also inspired by Pettit's neo-republicanism: here the goal is to marry deliberation with a so-termed effective opportunity for contestation (Allen, 2007; Bohman, 2006). A neo-republican rationale for mini-publics would be that citizens may be said to have a voice only to the extent they are effectively capable of ex-post contesting legislation (Girard, 2015). On the systemic deliberative democrat's rationale, mini-publics are simply a crucial component for reinvigorating the deliberative capacity of the deliberative system insofar as they provide continuous checks and legitimation of decisions taken elsewhere in the deliberative system.

Recalcitrant hunters may find contestatory mini-publics a more attractive immediate solution than building on longer-term bottom-up deliberative processes when it comes to meeting the current legitimacy crisis facing wolf management. If the venues enumerated above represent long-term mitigation, then contestatory mini-publics are a short-term outlet that addresses urgent decisions. The mini-publics still need to adhere to the sorts of deliberative principles specified above: they need to have citizen control; they need to be constituted by a representative sample of the population; and they need to proceed according to deliberative testing. In their constitution, they provide microcosmic deliberative environments comprised by a random cross-sectional sample of citizens, who would represent "the same population in mass publics, with the same capabilities" (Niemeyer, 2014, p. 185).

The difference is that these mini-publics can be initiated by partisans of a cause, such as hunters. While the initiators cannot *themselves* take part in the deliberation, they can submit their contestation and critique of decision to a neutral, critical deliberative process by the public. The final verdict of the mini-public will then carry more legitimacy than before, or compel decision-makers to change. Such mini-publics may address both 'meta-deliberation', in terms of critical reflections about the organisation of current decision-making (Smith, 2013a), and more substantive issues around wolves. They may function as citizen-based deal-breakers to when contentious issues like legal wolf culls

reach an impasse that fails to be resolved in any of the existing fora. If hunters truly believe that a vocal minority of animal rights activists operate without public support on these sorts of issues, it is incumbent upon them and surely also in their best interest to put this to deliberative testing in a mini-public.

There are broadly two ways in which a deliberative contestation can occur. Either the aggrieved party can initiate the contestatory hearing, as above, or the institutional apparatus permanently accommodates such a contestatory space. This again circles back to the balancing act of citizen control vs. institutional protection. It is clear both agonists and Marxists would endorse mini-publics toward the more emancipatory end of the spectrum, insofar as they would get on-board with a deliberative format at all, of course. To them, contestations must be bottom-up initiatives and formulated in a format and location that is most empowering to the contestator. In linking mini-publics explicitly with the new wildlife management agency, for example, which has an obvious interest in securing public legitimacy for wolf policy, is that contestation may be domesticated and used as a legitimization device (as cautioned in Böker & Elstub, 2015). But a counterargument to emancipating mini-publics from institutions is, first, that an agency has the organisational capability and financial resources to properly convene such a forum (Smith, 2013a). And second, that citizen initiation leaves too much in the hands of the citizenry, who as contended, will invariably be partisan imitators.

This may appear a paternalistic counterargument at first, cautioning over the risks of losing control to citizens. I do not wish to argue citizens as individuals, or the public as a whole, cannot handle the responsibility. But we have seen in this study what happens when contestations are left exclusively to the devices of autonomous disenfranchised collectives in civil society. It is indeed here they end up, rather than with a concerned-but-neutral public. That is, contestations, when left to their own devices, are vulnerable to the in-built structural features of civil society (Bohman, 2010). Inasmuch as we may view the ENGO's legal appeals as contestations of what they perceive as unjust decisions, we have also seen that leaving the choice of contestation strategy up to the aggrieved party sanctions some problematic developments that move further from actual deliberative premises: legal obstructionism in place of the force of the better argument. What is needed, then, may be premises for contestation that do not risk abandoning deliberative standards, civility and respect for keeping the conversation going (Arnett & Arneson, 1999b).

The latter argument might point toward the idea of institutionalising deliberative contestation, to prevent it from uncivil tendencies. This could involve setting up a permanent body for those on the cusp of engaging in disobedience by bringing them into a deliberative system. As such it relies on

institutional support (Smith, 2013a). It predicates on that there is no natural or independent capacity on the part of citizens to arrive at deliberative decisions, but that institutions must be responsible for providing the framework where such deliberation can be realised (Cohen, 2005). In effect, it sees institutions somewhat paternalistically rescue contestation from civil society. Although the idea is attractive in the sense that it finally places the responsibility for remedying deficits and engaging those disenfranchised with the state, it is also problematic for the same reason.

Pettit (1999a, p. 136) who pioneered many of the propositions around deliberative contestation for one is adamant legislative representatives “tie their hands and gag their mouths” when it comes to citizen contestation. Other authors are in agreement with the idiosyncrasy of institutionalising a forum for citizen contestation; to do so is to co-opt the revolutionary spirit (Barker *et al.*, 2013; Smith, 2012b; Smith, 2010b; Arendt, 1972). Institutionalising contestation is a concern not least when we are dealing with an institutional apparatus that has distorted spaces for deliberation. The record of mini-publics convened for such purposes also testifies to the vulnerability of deliberative contestation faced by institutional manipulation (Dryzek & Tucker, 2008).

But the idea must be seriously considered. It may after all be the only forum that has sufficient authority to compel public authorities to revise procedures regarding wolf decisions. It must provide a form of popular oversight of decision-makers (Smith, 2013a) with real ‘bite’ to it. After all, those in power are not formally accountable or compelled to engage with rowdy dissenters who camp outside the government building with tractors and signs. As we saw, they may do so out of courtesy or pragmatically to quench controversy around dissent, but no formal mechanisms exist to ensure they actually grant uptake. For example, filing 87 referrals for better countryside politics reads as a neat headline in the evening newspaper, but there was never any real expectation such motions would make it into the system. As Gest and Gray (2015) argue, mini-publics can also hold decision-makers accountable to the concerns of *silent* citizens, whose mode of dissent might otherwise proceed as evasion, refusal and silence. In mini-publics, silences otherwise unrepresented are disclosed and with them, political voice is realised.

However idiosyncratic, institutionalisation of contestation is broadly in line with Habermas’ perspective; first, that we must extend a tolerant spirit to dissenting citizens and cultivate constructive responses to their dissent (Habermas *et al.*, 2004); and second, that such a forum in effect responds to and builds on the informal discussions in civil society, or the ‘protest sector’ of the public sphere, by bringing them further into the core formal public.

What would this mean for the counterpublic of hunters, and of counterpublics generally? As Garner (2016, p. 12) asks “would there no longer be any justification for adversarial and confrontational activism?” The combination of new premises for public participation and deliberative contestation may never eradicate the growth of dissident factions in a wholesale way, given material and procedural injustices will always exist in plural societies. But the trigger point for counterpublics, to recall, is a legitimacy crisis on the part of existing institutions. Hence, if the proper procedures are institutionalised, and importantly able to influence decisions, it stands to reason that the legitimacy crisis may never appear.

16 Concluding Discussion

I use this remaining space to link up some of the key points of this dissertation. This includes clarifying how the findings from the above case study contribute to an improved understanding of drivers to hunters' dissent, a clearer detection of the expressions of their dissent, the implications of the dissent and, finally, how we might go about providing long-term and short-term responses to such dissent, which have been provided above. The space is also set aside to identify potential blind spots of, and objections toward, the research as well as chart points of entry for future research. I conclude this section by abstracting my findings beyond the context of hunting and natural resource management.

I began this dissertation by observing Swedish hunters are disenfranchised with the decision-making processes and public debate in the deliberative system on large carnivore conservation in general and wolf management in particular. This provided the basis for the first research question: *what are the socio-political drivers to illegal hunting in Sweden?* A fuller account of hunters' purported disenfranchisement was presented through thirty-nine semi-structured interviews across the country. Anti-deliberative inertia from bureaucratisation, administration and juridification were held as particularly compelling obstacles to hunters' meaningful involvement, as these were wielded toward the asymmetrical empowerment of voices and discourses within the deliberative system that enabled the bypassing of the force of the better argument. They stacked the system against hunters, compelling them to go outside of it, thereby serving as drivers to dissent like illegal hunting.

The drivers to dissent were clarified as pertaining chiefly to problems of institutional design in the deliberative system. While clearly having a basis in the materiality of the wolf conflict, it was shown that overwhelmingly, it is not the wolf itself that one objects to, or even its reintroduction per se, but the premises around which one's voice has failed to be given uptake in the deliberative system. In this case, illegitimate laws were argued to be directly

the result of laws which had been enacted without due deliberation by affected parties, or which had been overturned by litigative inertia. They did not feel like jointly-arrived-at-laws at all. Hunters instead viewed them as the “EU’s laws”, the laws of the media (“*mediatocracy*”) and the policies of ENGOS given their disproportionate influence. By relinquishing a sense of ownership and involvement in such processes, hunters also experienced they were no longer responsible for the wildlife that was subject to these laws, which had become the “pets” of ENGOS and urban residents (von Essen & Allen, 2016b; von Essen & Allen, 2016b; Ojalampi & Blomley, 2015). If they kept their hunting dogs on a leash when required, or their livestock enclosed in pens, they argued, the state should do the same for its animals—the wolves.

Adding to drivers of disenfranchisement was the fragmentation of the common, in this case wildlife. This fragmentation was reproduced unwittingly both by hunters and by state institutions. I argued fragmentation was a legacy of liberalism and agonism, enacted in a stakeholder approach that delineated the common into an arena of discrete stakes over which one could strategically bargain as adversaries or *sling mud*. As if testament to the strength of the fragmentation narrative in current public policy, hunters were adamant restoring private ownership and decision-making power to the landowner would be the best way to renew a sense of responsibility for large carnivores that was currently lacking in local communities. In hunters’ terms, responsibility was seen as something which was to be exercised privately and by sectoral interests through the institution of property: the landowner, the hunter and his interest in preserving stocks on his own land, for his own benefit. It is above all a cynical testament to the failures of an inclusive deliberative process that in any way could lead to the emancipation of people from their predetermined interests toward deliberation on the common good.

The dissertation devoted its analysis chapter to discussing how hunters recognised and harnessed their disenfranchisement. That is, how they formulated the deliberative deficits that faced them; how and when they acted upon them; and the extent to which they considered responses to address or correct the deficit. This was collectively understood as the *articulation of shared semantics* that took place within a counterpublic, where particular situated lived experiences linked up to form the basis of hunters’ dissent as a collective. Their dissent was explored in several nuances; disengaging, non-compliance, rhetorical (barstool biology), dissent-by-proxy (communication of symbolic features) and direct action to name a few. A foundational element of hunters shared semantics was not merely denunciation of the injustices that befell them, but in promulgating the alternative of freedom with responsibility. I showed that if freedom with responsibility was the (partly re-activated)

mantra of the hunting counterpublic, *jägarmässig* was a normative term they had operationalised in the present context to describe their conduct.

The hunting counterpublic often vacillated between disengaging and engaging forms of dissent. This vacillation sprung from the operational premise of a counterpublic: to aim at opposition and re-integration simultaneously. The analysis argued that despite the dominantly disengaging grammar of hunters' dissent, their present practices needed to be resolved as still political and communicative in nature (given non-action and silence denote political statements). But I also argued they stop short of being dialogue in any prescriptive sense, indicating, perhaps, something closer to exits from such dialogue or as calls for the need to renew dialogue. This provided basis for responding to the second research question: *in what ways may illegal hunting be said to be a communicative crime of dissent?*

The final section of the analysis engaged in detail with precisely this problematic; namely, it wrestled with the boundaries of the political on the one hand, and the boundaries of dialogue on the other. It asked how we might understand dissent that shies away from the public eye, or which is only contingently communicated in political terms, while proceeding evasively. Should we legitimate it as citizen politics today when they sense no uptake in formal channels? I argued this was, of course, a matter that was contingent on one's prescriptive definitions of both politics and dialogue.

One's account of dialogue mattered as to whether hunters' dissent was to be understood as political dialogue, a non-ideal means toward deliberative dialogue, or as a constructive end in itself. In alignment with deliberative democracy, I strongly cautioned against embracing dissent as dialogic ends unto themselves (which I have developed further in von Essen, 2016). Indeed, I critiqued them for running away from universal standards of dialogicality like civility, clarity, transparency and immediacy of presence on the part of interlocutors. As far as dialogue goes, hunters' dissent fell short of such standards. By bypassing the dialogic condition, illegal hunting partly stood out from other forms of dissent (like that of boycotts and protests); it had become direct action to enact change, having ceased to be about political persuasion. At the same time, the proxy communication of illegal hunting as a phenomenon by participants in the counterpublic still retained elements of wanting to alert and petition decision-makers for needed change on wolf policy.

Against these findings, the next step was to formulate societal responses to dissent to answer the third and final research question: *how can the regulatory regime best respond to and mitigate illegal hunting?* The two responses discussed as ways forward were framed within deliberative democracy and proceeded similarly in many ways, although they were launched from different

ends in the deliberative system. One prong was the immediate engagement with dissenters in contestatory deliberation. Here, citizen-empowered mini-publics convened for a specific purpose, or by the aggrieved party, could compel state agencies to defend and justify their decisions and reconsider policy options in light of better arguments. At the same time, the forum would present dissenters with a much-needed dialogue that adhered to standards now lost in the hunting counterpublic: reason, civility, transparency and framing their views as validity claims and abstract goals – and not get stuck on the level of proximate and particularistic issues shouted from the trenches. To do so, these mini-publics may be initiated by dissident-partisans, but would be constituted by a representative sample of random, ordinary citizens.

The second prong focused around deliberatively undergirding law in the longer term by a newly cultivated deliberative culture from the beginning. As hunters themselves contended, *doing the work at the beginning*, referring to public participation, instead of at the end would save state agencies a lot of grief. Deliberative mini-public of citizens were presented as a way forward because here citizens could be accessed in relatively non-combatant states from the outset, even if partisans had convened them. In line with Habermas' communicative action, subjecting claims to deliberation, circulating viewpoints and working out law from moral-cultural reason (and, importantly, challenging it) were presented as the only way in which public decisions could be, first, legitimated; second, be seen as the outcomes of an open, inclusive deliberative process (Habermas, 1984) and, third, compel long-term compliance by hunters.

My recommendations for the premises of such deliberative participation by hunters (and others) were highly specific in one regard: they needed to be dislodged from the kind of stakeholderism that had heretofore characterised participatory formats. I contended stakeholderism's celebration of private rather than public autonomy, had become the only basis on which citizens now interacted with each other on contentious issues like wolf management. With this was meant the common continued to be fragmented as a legacy of the liberal paradigm, encouraging citizens to think of each other in terms of strategic adversaries from whose scrutiny their views were to be shielded or whose animals were firmly delineated from the hunters' animals, and needed to be kept separate. A commoning exercise hence needed to be cultivated procedurally (Clausen, 2016). Rather than claim that the present fragmentation constitutes some kind of innate feature of liberalism, which after all can be made compatible with deliberative democracy (see Rawls' later work), fragmentation followed the agonist turn in democracy; here, one endorsed a wholesale condemnation of common ground and advocated the endorsement of

irreconcilability and conflict among adversaries, even if they may have had more in common than this betrayed.

There was at times a genuine acknowledgement, and even desperation, on the part of my hunters that one needed to find the way out of the trenches and back to a common ground. The present debate had frozen at the level of certain discourses, 'fixated' on a single species, unable to transcend particularities, or otherwise severely associated with discussion fatigue because the same issues were broached in new ways. To this end, I observed individual encounters with others originally thought to be inimical to one's interests had proven occasionally constructive, as when a hunter and a birds observer had met in the middle of a field, as opposed to on opposite sides in a courtroom. I argued this needed to be recreated as best as possible in institutional settings. This could be done by institutionalising mini-publics of randomly or near randomly selected citizens with the new wildlife management agency, where there was yet collaborative potential in the eyes of hunters.

16.1 Generalisability and Transferability of Case Context

Although I am emphatic that the particular grammar of hunters' dissent may have been relatively unique to this counterpublic, given their status in society and their particular subcultural roots, the broader phenomenon of deliberative disobedience explored in this dissertation bears on multiple contexts across both time and space. Deliberative deficits are likely befall many contexts of natural resource management today, especially given the controversy of such issues and its vulnerability to institutional steering logic. Hence this analysis could proceed on a similar theoretical point of departure if examining, for example, a local community's opposition to wind power plant developments on its land or their opposition toward the building of a dam for hydropower.

But I have also argued the Swedish case study may offer some explanatory (though never predictive) value. First, it can better explain illegal hunting as a response to illegitimate wildlife law and management globally. Second, it can clarify vectors and responses to legitimacy crises more generally as they span across multiple contexts. In an example of the latter, we need not actually look beyond our borders to find parallels: the legitimacy crisis experienced by Swedish commoners in the early 1700s, identified by Linde (2000), showcased a similar anatomy of dissent. Commoners were disenfranchised from an unjust system that entailed disarming bureaucratic inertia, a lack of transparency and channels for public participation which existed meaningfully only on paper. The practices of dissent in response to this crisis bore remarkable continuity to

hunters' grammar of dissent today; they were disengaging from the premises and spaces of the hegemony.

There is one particular reason, however, why the contemporary hunting case context provides a unique analysis where crimes of dissent are concerned. This pertains to their character of dissent as defensive rather than progressive. Hunters often regarded themselves as the unchanging stewards of the true status quo, from whose common sense they charged conservationists having departed in the present. Hunters, on this view, mobilise on the basis of conservatism, not progressive values, in relation to the currently spatially and temporally located balance of power. This sets them apart from the majority of counterpublics explored by the literature (a notable recent exception is a right-wing counterpublic in Germany found by Toefl & Piwoni, 2015). Indeed, the hunting counterpublic has arisen to defend a partially extant order or an idealised, nostalgic version of it (Davidson, 2013; Nilsen, 2009).

It may be tempting to some, therefore, to disqualify Swedish hunters from conventional counterpublic status. But this would miss the point made by Negt and Kluge with their counterpublic theory, that it is the hegemonic public at any one time which conditions the rise of 'counter' publics. To them, this has a particularly strong class logic, which can also be discerned here in a new constellation. Hunters showed resentment toward a well-educated middle-class at the helm of decision-making; they accused wolf conservationists today for colonising the public with their values at the expense of conservative agrarian ones, which reigned before. This phenomenon means that hunters and conservationists can be seen as being in a dialectic with each other, negotiating their positions relative to the hegemony and to each other, indeed taking turns at being movements 'from below' and 'from above' (Barker *et al.*, 2013). In Alarcon's (2015, p. 109) words, it means "one cannot define *a priori* who are the subjects articulating either a discourse or a counter-discourse." Future research would do well to attend to historicity of and the dialectic in which publics and counterpublics have negotiated their hegemony generally, and over the topical issues of wildlife, property, landscape and stewardship particularly.

To the extent any dissent comparable to Swedish hunters has surfaced in modernity, Davidson (2013) writes they typically involve right-wing mobilisation against left-wing policy and government, which have in themselves risen as a reaction to a hegemony. This was found, for example, by Toefl and Piwoni (2015) in German politics. But the right wing basis of the counterpublic is arguably only partly obtained in the hunters' case. Previous research has suggested, though not conclusively proven, more positive attitudes toward wolves are more prevalent among well-educated, upper-class hunters (Mykrä *et al.*, 2015). The growing popularity of the right-wing party the

Swedish Democrats (SD) was overwhelmingly attributed to a disenfranchised rural populace that desired a return to an idealised state. Although a great many of these may have been working class people, they ostensibly endorsed right-wing ideals. Voting for the SD also shows that while starting out as a hunting grievance, the struggle has become abstracted to such a level where broader civic disenfranchisement now testifies to a legitimacy crisis that extends beyond the wildlife context. Dissent becomes a means of denouncing the decisions, directions and priorities of the regulatory regime more generally. In terms of generalisability, then, we can also see this research has implications for a broader socio-political terrain in society. Indeed, mistrust of state power is cumulative, having started around a particular kernel, and when unaddressed it will ebb at the legitimacy of political institutions more generally.

16.2 Final Objections

Readers will have noted objections to my argumentation have been dispersed throughout this dissertation. For one, by consciously departing from the lofty standards for dissent set by a liberal theory of civil disobedience, I have attended in some detail to the dangers associated with signifying “everything and anything” as dissent. This has been a particular danger, first, because dissent constituted the *a priori* focus of this dissertation. As contended, however, it did not constitute the *a priori* focus of the research project as a whole, but emerged inductively as a direction. Second, frivolousness with the dissent signifier was also risked following the systemic deliberative democratic understanding in which argumentation proceeded: that is, an act of dissent could be termed deliberative disobedience if it triggered political re-engagement or contributed to a more inclusive deliberative system.

There is another objection one might level toward the perspective taken by this dissertation. Namely, given a singular focus on hunters and their subjective perceptions of their disenfranchisement, is it precarious to take their word for it when it comes to making statements about their actual predicament in the deliberative system? I have addressed this concern in chapter 2.5. Limitations of Selection Sample of Hunters. Despite my position that actual predicaments are beyond the epistemic scope of research, benefiting instead from phenomenological assessments of such experiences, I do not deny the added value in soliciting the experiences also of e.g. civil servants working within the deliberative system and animal rights activists and conservationists. Triangulation is never a bad thing. Given a finding of this research is that the deliberative system on Swedish large carnivore management appears to have a fairly serious deliberative deficit, and even some of the strategies of

conservationists hence had to proceed outside of it—as ‘rightful resistance’ in litigation and, to a lesser extent, acts of dissent like threats and sabotage—it would certainly be interesting to engage with the deficit from their perspective. Conservationists, however, mostly pursued dissent that honoured the fidelity of law, unlike hunters, so these two movements may be said to use Merry’s (1995) delineation of *dissent by law* and *dissent of law* respectively.

The dissertation has partly operated on the premise that conservationists presently occupy a directive position in the deliberative system, at least according to hunters. That does not mean, however, that this colonised deliberative system as a whole is in a good place; its granting of directive and subjugated positions is indeed testament to its failure. It also does not mean that conservationists will always be in this hegemonic position. As contended, their legal stratagem and direct action might suggest more conventional channels for public participation appear distorted or stacked against *them*. One need not look far to find animal rights activists position themselves as underdogs fighting the good fight against entrenched economic interests, like agribusiness, pharmaceutical companies and hunting industry (Garner, 2016; Hadley, 2015). Some even perceive themselves as “political pariahs not just in government documents”, but in many areas of the press, academic organisations, scientific research, and even in popular television (Humphrey & Stears, 2006, p. 401). This is admittedly mainly true of militant animal abolitionists, as the prevailing public ethos in Sweden is relatively sympathetic to a mainstream wildlife conservation agenda. It would be remiss to argue animal rights do not today possess considerable “economic and political power” or that they are not currently “placed at the upper end of the NGO scale both in terms of their income and position” (Nurse, 2016, p. 179).

Ultimately, it is difficult or impossible to arrive at a ground-truthing assessment of who the true subaltern is and who the hegemonic elite is in any situation, as this appears subjective, constructed and subject to change across time in the case of hunters and conservationists. It should also be noted here that neither of these groups are truly marginalised subaltern against on racial or gender grounds, given that both groups may be said to a large degree as self-select their interests and values (see Hadley, 2015, for a discussion on animal rights activists relatively non-urgent stance). It may therefore be even less interesting this this case to conclude who the below and above movement movements are; they are both afloat in present society. What is interesting, moreover, is that this analysis can trace the dialectic of the below-and-above movements to a general deliberative deficit. The presence of dissent on either side, and of self-understandings as subalterns, reflects something seriously wrong in the system deliberative system. While the exact nature and

experience of this deficit can only be phenomenologically apprehended, the existence of the deficit must surely be taken as ontological.

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Appendix I : Interview guide and list of respondents

Interview guide

This interview guide is presented in Swedish.

Introduktion och bakgrund

- Hur blev du jägare? (Hur blev du introducerad till jakt?)
- Hur länge har du jagat? När tog du jägarexamen?
- Varför blev du jägare/Varför började du jaga? Kommer du från en jagande familj?
- Hur starkt identifierar du dig som jägare?
- Hur ofta jagar du? Hur viktig är jakten för dig? Kan du tänka dig ett liv utan jakt?
- Har du egen jaktmark? Eller i vilket sammanhang/på vilket sätt brukar du jaga?
- Är jakt viktigt för samhället? Varför?
- Hur upplever du att samhället ser på jägare idag? Stoltserar man eller gömmer man det?

Diskussion om personlig (eller på gruppnivå) jaktetik

- Vad kännetecknar en dålig jägare enligt dig?
- Det finns många regler och lagar omkring jakten: hur ser du på det? (finns det för många, för få?) motsvarar de ens moraliska kompass och jaktetik?
- Upplever du de regler som gäller som harmoniserade mellan nivåer (t.ex. EU-regionalt)?
- Var lärde du dig jaktetik och regler och lagar omkring jakt?
- Hur ställer du dig till teknologiska hjälpmedel (ljuddämpare, viltkamera, belysning, GPS)? Vad har de för inverkan på jakten?
- Upplever du någon skillnad i jägares förhållningssätt till 'nytt' vilt (invasivt, implanterat, skadedjur)? På vilket sett ses det?
- Är det något som är ett "touchy subject" i din jaktkrets, eller i just de diskussioner du följer?

OM de pratar om VARG

- Vad är bästa sättet att öka acceptans för varg?
- Påverkar rätt till licensjakt din acceptans eller förtroende till myndigheter?
- (Ev) Vad är det som gått snett i licensjaksproceduren?

Förtroende / myndigheter

- Hur ser du på de olika lagstiftande processerna? Känner du dig väl representerad i dessa processer? Tror du jägare i allmänhet känner sig involverade i dessa processer?
- Huruvida känner du förtroende till andra jägare?
- ... till ditt jaktlag? Jaktledare/jaktkamrater
- ... till jägarförbunden?
- ... till olika beslutsfattande/administrerande plattformar:
- ... till älgskötselområden?
- ... till länsstyrelsen / viltförvaltningsdelegationerna?
- ... till polismyndigheten i jaktfrågor?
- ... till naturvårdsverket?
- ... till EUnivå?
- Hur ser du på det eventuella utvecklandet av ny viltvårdsmyndighet?
- Kommer alla till tals på lika nivå idag i jaktfrågor, eller har någon grupp proportionerligt inflytande?
- Har jaktkollektivet blivit mer slutet eller mer öppet? Välkomnar man andras åsikter, regler?
- Hur är en dålig jägare? Vad kan ett jaktbrott vara?
- Illegal jakt: vad kännetecknar illegal jakt till dig? Vilka handlingar bör man inkludera? [diskutera begreppen]
- Har illegal jakt genomgått någon förändring upplever du? Ändrat karaktär. Växer eller avtar
- Prata om Lillhärdsfallet, de tolv norrmännen, hur upplever du dessa processer?
- Finns det olika grader av allvarlighet respektive acceptans av olaga jakt? Om du skulle ranka olika jaktbrott, hur skulle det se ut? [skjuta efter solnedgång, olaglig åteljakt, följer inte utfrodringsregler, inte ha eftersökshund tillgänglig, ta bilen]
- Är detta lika som samhället / regeringen rankar dem?
- Om du skulle bryta mot en lag: vilken lag/ eller typ av lag skulle det vara? Och varför?
- Vilken typ av lagar tror du folk bryter mot oftare än andra? Varför? Är alla regler lika mycket värda, känns de lika viktiga och legitima, eller finns det nån man tummar på?
- Finns det för närvarande kriminaliserad jakt som faktiskt borde vara tillåten? Varför?
- Saknas det lagstiftning på något område? [det finns betydligt fler normer kring jakt än vad ...

- Vad gör man om någon felar eller bryter mot en inofficiell regel inom laget? (t.ex. fibbar med tilldelningen, tar bilen, slarvar med vapenhantering)?
- Vad finns det för interna sanktioner och när används dem?
- Upplever du att etik skiljer sig geografisk, demografiskt, socialt, från jaktlag?

Diskussion om svensk jaktlagstiftning

- Vad tycker du om den svenska jaktlagstiftningen i allmänhet?
- Vet du någon som har brutit mot jaktlagstiftningen? Vill du berätta?
- I vilken utsträckning och i vilka sammanhang tror du att man bryter mot regler vid jakt?
- Hur ser du på detta och varför, har din uppfattning ändrats?
- Hur ser du på bestraffning och rättsproceduren i relation till jaktbrott i allmänhet? För höga eller låga straff? Har du några exempel?
- Om nu jägare är missnöjda med delar av lagstiftningen eller sättet den utformas på, de som lägger sig, hur man kan överklaga osv, vilka olika uttryck för missnöje finns det? [är det lagen i egna händer, är det politiskt engagemang, är det hopplöshet, är det röstar på SD, är det bojkottning av eftersök på trafikskadat vilt]?

Diskussion om framtidens viltförvaltning

- Vad skulle se annorlunda ut om du hade en chans att utforma jaktlagstiftningen?
- Vad tror du kommer att hända i framtiden med de konflikter, det missnöje eller de klämpunkter kring viltförvaltningen som vi ser idag?
- Tror du trenden på illegal jakt på rovdjur kommer bli mer eller mindre accepterad?
- Påverkar jakt hur du röstar?

Table 6. *List of hunter respondents with age, gender and geographical distribution**

Gender	Age	Location
M	67	Dalarna
M	67	Dalarna
M	61	Dalarna
M	43	Närke
F	45	Närke
M	45	Skåne
M	40	Skåne
M	77	Skåne
M	43	Skåne
M	47	Skåne
M	26	Skåne
F	60	Skåne
M	50	Skåne
M	41	Stockholm
M	46	Stockholm
M	48	Stockholm
M	36	Stockholm
M	92	Uppland
M	76	Uppland
M	39	Uppland
M	37	Uppland
M	27	Uppland
M	48	Uppland
M	60	Värmland
M	56	Värmland
M	65	Värmland
M	55	Värmland
M	36	Värmland
M	39	Värmland
M	62	Västerbotten
M	44	Västerbotten
M	55	Västerbotten
M	62	Västerbotten
M	62	Västerbotten
M	43	Västerbotten
M	61	Västerbotten
F	55	Västerbotten
M	50	Västerbotten
M	24	Västerbotten

Total number of respondents: 39

* This table is for the purposes of transparency over basic demographical distribution of the selection sample only. As mentioned, the region is given as where they currently lived, but does not reflect their composite geocultural backgrounds or the fact that many respondents hunted across the country.

I also do not wish to suggest the particular attributes presented here necessarily affect respondents' answers more so than any other attributes (e.g. political affiliation, education, vocation). Because these respondents are not tracked by number in the empirical chapters, background information on the respondent is selectively presented only when relevant to their sayings and quotes.