



Felony or act of justice? – Illegal killing of large carnivores as defiance of authorities



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ABSTRACT

Large carnivore management in Finland implemented under international conservation agreements has faced a severe legitimacy crisis as Finnish wolf conservation lacks both normative and empirical legitimacy. Local people challenge the authorities via active and passive resistance which manifests in illegal killings of large carnivores and in support and silent acceptance by community members. This article examines the sociopolitical dimensions of illegal hunting in a holistic manner by categorizing the crime according to the characteristics of the hunting violator and the motives for illegal actions against large carnivores, and by examining illegal hunting as a defiance of the authorities by revealing the neutralization techniques used. Data have been collected from District Court sentences and Police Investigation Records over a 6-year period (2005–2010). In addition, two hunting violators and two game management officials were interviewed. Illegal killing of large carnivores is a sociopolitical crime and manifests as explicit resistance and indirect defiance of game management authorities and EU-drafted management actions. Neutralization techniques are used to negate the shame from the stigma and sanctions associated with violating the law. Hunting violators have become noble bandits as they defy the central authorities whilst supporting local people in their struggle to maintain a livelihood and a safe living environment in large carnivore territories. The challenges inherent in the conservation of large carnivores in the context of a defiant agrarian activity address the means that develop the predators' role as a community resource.

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1. Introduction

Large carnivore conservation in Finland consists of the requirements of international conservation agreements, including the *favourable conservation status* enjoyed by species in the European Union's conservation policy, and politics based on socio-economic-political consensus to reflect the demands of stakeholders to enhance procedural and environmental justice (Lehtinen et al., 2003; Rawls, 2003).

Conservation policies have relied on parameters that measure ecological sustainability; in other words, population size, extent of range and any changes occurring within these. A national conservation status assessment is conducted for Finnish species using IUCN criteria and according to this all four large carnivores; that is, brown bear, lynx, wolf and wolverine, are species under consideration (Rassi et al., 2010). Wolf conservation in particular has faced severe challenges as the wolf population has drastically decreased

since the implementation of the first national management plan in 2006 from about 250 wolves to 140 wolves (in 2014) (Pohja-Mykrä and Kurki, 2014a). According to estimates based on population parameters, even as much as 25–30% of the total wolf population in Finland is currently missing because of supposed illegal killing (Kojola et al., 2011). The illegal killing that threatens the conservation status and undermines conservation efforts have been dealt with using a more punitive regime and increased penalties.¹

Hunters are considered a key stakeholder group in Finnish large carnivore management (Pohja-Mykrä and Kurki, 2014a). Hunters voluntarily provide large carnivore track data and annual track

¹ An amendment (232/2011) to the Criminal Code stipulates that any illegal killing of large carnivores will be treated as an aggravated hunting offence, and sentences were therefore tightened. In addition, the indicative value of game animals was raised in 2010 to make the financial or other gains of committing a hunting offence less attractive. The amount of compensation to the state varies according to whether the animal was a juvenile or adult. The indicative value for wolverine is up to €16,500, for lynx up to €2,100, for bear up to €15,500 and for wolf up to €9100.

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censuses. Derogations on the basis of population management are granted for lynx and bear, whereas derogations for wolves have been granted only on a damage basis after the consideration of comprehensive damage.² Altogether, approximately six percent of the Finnish population are hunters and their social bonds to the rest of society are strong. All hunters are members of the Finnish Wildlife Agency, which has a legal and regulatory role in game and hunting management. The majority of hunters are also members of local hunting clubs, and hunters and hunting clubs play an important role, not only in game management, but also by performing a significant social role in rural communities (Pellikka et al., 2007).

The key element of successful large carnivore conservation is that the legislation and management actions have both normative and empirical legitimacy. From the normative point of view, it has been shown that there is a lack of socio-cultural legitimacy in Finnish wolf conservation when wolves cause damage to rural livelihoods. Traditional hunting with the assistance of dogs has been hindered due to the fear of losing hunting dogs to the wolves, rural people have had to arrange school transportation for their children, and restrict their leisure activities in the natural environment to protect their safety (Borgström, 2011). The lack of legitimacy is especially evidenced when local people argue that the Finnish wolf conservation legislation violates their civil rights, including their right to security and property (Bisi et al., 2010). This article recognizes the importance of this socio-cultural legitimacy deficit among local residents and hunters in the large carnivore territories. Implementation of conservation efforts do not fit into people's everyday lives, and thus, cause opposition against top-down regimes.

In Finland, from the normative point of view, there is not any lack of legal legitimacy considering representation of relevant stakeholders, transparency or accountability, or lack of political legitimacy considering the extent to which the main substantive features of the conservation regimes are acceptable (Borgström, 2011). However, a number of studies have been conducted on people's attitudes towards large carnivore management in Finland (Liukkonen et al., 2006; Mykrä et al., 2006; Bisi and Kurki, 2008; Pohja-Mykrä and Kurki, 2008), and they indicate a legitimacy crisis that appears when people living in large carnivore territories do not find management actions acceptable (Borgström, 2011). Hunters and rural people have found the large carnivore conservation regime established largely through the EU Habitats Directive lacking in terms of place-based policy, and at the same time, management authorities are regarded *pro-conservationist*, and the population management objectives are felt to be filled with *green agenda* (Pohja-Mykrä and Kurki, 2014a). The challenge from the local people directed at the authorities is expressed through rejection, which shows itself in hidden passive behavior and feigned ignorance concerning the illegal killing of large carnivores (Pohja-Mykrä and Kurki, 2014b). This may be seen as community support for illegal killings and hunting violators. Other forms of challenging the authorities include resistance and concrete actions targeted against something – in this case referring to the illegal killing of large carnivores.

It has been interpreted that the illegal killing of large carnivores occurs in large numbers and the drivers of the phenomenon need to be further examined to result in more informed socially sustainable wildlife management. When deconstructing the poaching phenomenon, von Essen et al. (2014a; 632) “call for a more

integrative understanding that moves illegal hunting from being approached as a ‘crime’ or ‘deviance’ to being seen as a political phenomenon driven by the concepts of defiance and radicalization.” This is an essential approach to the issue also for Finland, where illegal killing is dealt with using a more punitive regime instead of recognizing the nature of the crime. In this article, the sociopolitical dimensions of illegal hunting are examined in a holistic manner. The first objective is to categorize the crime according to the characteristics of the hunting violator and the motives that accompany illegal actions toward large carnivores. The second objective is to reveal the neutralization techniques and to study illegal hunting as the defiance of the authorities, as supported in von Essen et al. (2014a) and Eliason (1999) when seeking out a potential theoretical basis for sociopolitical illegal hunting. Lastly, this article concludes with the management actions necessary for more socially sustainable large carnivore management.

2. Theoretical framework

Illegal hunting as rural defiance requires a normative approach since traditional instrumental theories explaining illegal hunting are insufficient in cases where economic gain is not the main driver of illegal killing. In social psychology, the research on illegal hunting has been largely built on Sutherland's differential association theory of how the crime is learned in the socialization process, that is, how individuals learn not only how to commit specific crimes but also how to rationalize them (Curcione, 1992; Forsyth and Marckese, 1993; Green, 1990). In this study the theoretical basis to examine illegal hunting as rural defiance rests on Sherman's *defiance theory* (1993), which relies on the following conditions: (1) the offender is alienated from society and authoritative agents; (2) the sanctions are perceived as unfair and stigmatizing; and (3) the offender does not internalize the shame associated with the sanction. The theory helps to understand that stigmatizing and harshly treating hunting violators increases their likelihood of re-offending, especially if their social bonds with the sanctioning society are weak and the penal code is unjust. Criminals may negate the shame from the stigma and sanctions associated with breaking the law by using neutralization techniques. Interestingly, although Sherman's theory focuses on finding the effective deterrents to reduce the crime rate, the use of defiance theory also offers a way to enlighten the radicalization processes that lead law-abiding hunters over the edge toward committing crimes. These elements are also present in this study. Defiance in the illegal hunting context has been studied for example by Filteau (2012) to gain an understanding of how interactions between game wardens and poachers is an important consideration for garnering voluntary compliance.

To study how hunting violators negate the shame from the stigma and sanctions associated with violating the law, the neutralization techniques introduced to sociological literature by Sykes and Matza (1957) serve as an effective tool. In their study of juvenile delinquent behavior learned in the process of social interaction, neutralization techniques were found to be the justification for deviant behavior and was largely learned behavior within cultures/sub-cultures. Neutralization that qualifies hunting violations as *acceptable* serves as a strategic defense tool by offenders that have been caught, as well as a psychological mechanism for the individual to justify the illegal actions (Sykes and Matza, 1957). Therefore, neutralization could be used after an illegal act to seek to reduce the blame or before committing the act to seek self-conscious approval that it is acceptable to choose to perform the act (Lanier and Henry, 2004). It is important here to note that neutralization techniques are discourses by which hunting violators not only seek to justify and rationalize their behavior, but also defend a particular rural identity and way of life, and also

² Very recent increase in the wolf population have occurred during the preparatory phase of the new management plan and derogations in a population management basis were granted in the early 2015.

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