

Illegal Killing of Large Carnivores in Finland: A Frame Analysis

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1 Introduction

All four of the terrestrial large carnivore species found in Finland – the brown bear (*Ursus arctos*), the grey wolf (*Canis lupus*), the lynx (*Lynx lynx*), and the wolverine (*Gulo gulo*) – are protected at European Union (EU) level by Council Directive 92/43/EEC (the ‘Habitats Directive’).¹ The Directive is implemented at national level through the Hunting Act (615/1993).² The Criminal Code of Finland (39/1889) specifies that the unlawful killing of these animals is an aggravated hunting offence. All these species have been targets of illegal killing.³ In the reindeer herding area in the northern part of the country, the wolverine has been considered a particular nuisance since it preys on reindeer. Wolves are not welcome in this area either and in fact, the wolf population within it has been kept low through national level management planning.⁴ In other areas of Finland, wolves and other large carnivores have also been killed illegally. The motives for this illegal activity vary but wolf attacks on hunting dogs give rise to strong emotions. The threat posed by wolves in relation to sheep herding and livestock is a recurrent topic in the media. The lynx is also able to prey on reindeer, and bears may be attractive to poachers for their meat. At national level, the political atmosphere is most negative as regards the wolf.⁵ This negative outlook is reinforced by folk memories of wolf attacks on small children in the 19th century in Southwest Finland.⁶

According to a recent poll, four out of five Finns consider the lethal control of large carnivores to be acceptable but only 10% approve of illegal hunting even

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¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1992] OJ L 206 (Habitats Directive).

² In the Finnish legal order large carnivores are listed as game animals in the Hunting Act and therefore the killing of these animals is by definition ‘hunting’. In this article, however, we refer to ‘illegal killing’. It would also be possible to refer to ‘poaching’ but it has a slightly narrower connotation (see Erica von Essen and others, ‘Deconstructing the poaching phenomenon: A Review of Typologies for Understanding Illegal Hunting’ (2014) 54 *British Journal of Criminology* 632, 633–634).

³ Mari Pohja-Mykrä, ‘Felony or act of justice? - Illegal killing of large carnivores as defiance of authorities’ (2016) 44 *Journal of Rural Studies* 46, 49.

⁴ Under the Habitats Directive wolves in the Finnish reindeer herding area fall under Annex V instead of the more restrictive Annex IV.

⁵ Sakari Mykrä, Mari Pohja-Mykrä and Timo Vuorisalo, ‘Hunters’ attitudes matter: diverging bear and wolf population trajectories in Finland in the late nineteenth century and today’ (2017) 63 *Eur J Wildl Res* 1.

⁶ Outi Ratamäki, ‘Luonto, kulttuuri ja yhteiskunta osana ihmisen ja eläimen suhdetta’ in Pauliina Kainulainen and Yrjö Sepänmaa (eds.), *Ihmisten eläinkirja. Muuttuva eläinkulttuuri* (Palmenia 2009). See also Heta Lähdesmäki, *Susien paikat. Ihminen ja susi 1900-luvun Suomessa* (Nykykulttuurin tutkimuskeskus 2019); Heta Lähdesmäki and Outi Ratamäki, ‘Kykenemmekö luopumaan susifetisististä? - Kriittinen luenta suomalaisesta susihistoriasta’ in Juha Hiedanpää and Outi Ratamäki (eds.), *Suden kanssa* (Lapland University Press 2015).

where legal hunting is not possible. This figure has declined from that recorded in a 2013 poll. Opinions about carnivores, especially wolves, are divided: 40% of respondents think that there are too many wolves in Finland while 40% do not.⁷ According to estimates based on population parameters, as much as 25 to 30% of the nominal total for Finland's overall wolf population is missing for unknown reasons.⁸ Based on this it has been concluded that illegal killing limits Finland's wolf population.⁹

We draw on a collection of previous scientific research to form a general view on the illegal killing of these animals in the Finnish context. The objective is to describe the phenomenon in a way that allows its cultural and social context to be revealed. This objective is motivated by the insight that conflict resolution and mediation are only possible when and if the motives and reasoning behind stakeholders' actions are understood and addressed. For example, authorities will come across, and must deal with, conflicting views about large carnivores in their work. Those involved in the supervision and prevention of illegal activity will benefit from understanding the motives of those who engage in it and the context in which this action takes place. Furthermore, public debate over the illegal killing of these endangered species is often heated, and empirical research will provide tools to structure the debate and support fact-based argumentation. A frame analysis¹⁰ is utilised in this article to answer the following research questions: in what socio-cultural contexts does the illegal killing of large carnivores take place in Finland; what are the motives behind it; and how does this activity relate to legal and political contexts?

The last of these three questions enables us to step away from the poachers' view and look at the illegal killing of large carnivores from an outsider's perspective.

2 Frame Analysis as an Analytical Tool

Analysis of frames and framing is often attached to the question 'what is going on here?'¹¹ All of us ask this question when we enter new social situations, either out loud if necessary, or otherwise silently, but the objective is to 'make sense' of any situation since the frame of the situation determines the intentions and

⁷ Klaus Ekman, 'Metsästysmyönteisyys kasvussa – suurpetojen salametsästyksen hyväksyntä laskussa' [2018] Riistan vuoksi (Suomen riistakeskuksen verkkojulkaisu [Online publication of Finnish Wildlife Agency]) <<https://www.riistanvuoksijulkaisu.fi/artikkelit/hyvinvointia-riistataloudesta/metsastysmyonteisyys-kasvussa-suurpetojen-salametsastyksen-hyvaksynta-laskussa.html>> accessed 20 August 2020.

⁸ Ilpo Kojola, Pekka Helle and Samuli Heikkinen, 'Susikannan viimeaikaiset muutokset Suomessa eri aineistojen valossa' (2011) 57 Suomen Riista 55. See also Mari Pohja-Mykrä and Sami Kurki, 'Strong community support for illegal killing challenges wolf management' (2014) 60 Eur J Wildl Res 759, 760.

⁹ Johanna Suutarinen and Ilpo Kojola, 'Poaching regulates the legally hunted wolf population in Finland' (2017) 215 Biological Conservation 11.

¹⁰ Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (reprint Harper & Row 1986).

¹¹ Goffman (ibid 8–9) himself starts his explanation of frame analysis by contemplating this question.

roles of other people involved in it and gives us hints as to what is expected of us. One practical example offered by Goffman is that of animals at play.¹² In the animal kingdom, there is a fine line between fighting and playing and animals use signals to inform each other when their activity amounts to play and not a real fight. In the human context, the framing of situations is needed to give meaning, sense, and normative direction to thought and action.¹³ In practice, this may happen, for example, by labelling situations or actions in a certain way. For example, a person accused of harassment or bullying may say ‘it was only a joke’ and thus seek to pass off a situation as being characterised by banter rather than misconduct. The way in which the illegal killing of large carnivores is termed has also been the focus of similar linguistic strategies, as discussed below.¹⁴

The meanings of actions and statements only become clear through processes of interaction, interpretation and contextualisation. The outcome of those processes are ‘social frameworks’ that provide meaning, determine what is relevant or irrelevant when considering certain actors, issues or events, and suggest appropriate behaviour.¹⁵ Frames do not exist independently from human actions and therefore it is important to differentiate a frame from framing.¹⁶ Entman famously describes the essence of framing as follows:

[T]o select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation.¹⁷

The use of power and unbalanced power relations are thus relevant for frame analysis. On the other hand, frames are not always the result of intentional, self-aware and straightforward framing actions.¹⁸ Several frames may exist – and several framing attempts usually take place – at the same time and may be in conflict with each other. What ultimately becomes a dominant method of framing may be context-dependent or a question of choice but is often – outside courtrooms – a result of a political struggle and may also be a surprise and unforeseeable. The political or social strength of a frame is usually context- and scale-dependent. Some frames may be well supported, for example at local level or in specific social communities, but lack legitimacy outside them. Situating frames in their institutional backgrounds is important since framing never takes

¹² *ibid* 40–41.

¹³ Merlijn van Hulst and Dvora Yanow, ‘From policy “frames” to “framing”: Theorizing a more dynamic, political approach’ (2016) 46 *American Review of Public Administration* 92, 95.

¹⁴ On word choice, see Mari Pohja-Mykrä and Sami Kurki, *Suurpetopolitiikka kriisissä – salakaadot ja yhteisön tuki* (Ruralia-Instituutti, Helsingin yliopisto 2013) 14. See also von Essen and others (n 2), 633–634.

¹⁵ Rens Vliegthart and Liesbet van Zoonen, ‘Power to the frame: Bringing sociology back to frame analysis’ (2011) 26 *European Journal of Communication* 101, 103.

¹⁶ *ibid* 102.

¹⁷ Robert Entman, ‘Framing: Towards clarification of a fractured paradigm’ (1993) 43 *Journal of Communication* 51, 52.

¹⁸ van Hulst and Yanow (n 13) 95.

place in a vacuum but is constrained and facilitated through the context in which it takes place.¹⁹

The method applied in this article constitutes a theoretical rereading of previous empirical research into the illegal killing of large carnivores in Finland. Some of this research was carried out by the authors of this article, but others have also carried out relevant research. The relevant data is drawn from 21 articles in the field of social sciences and empirical legal studies. They are not listed here separately but all of them are referred to. This data covers most if not all relevant articles published by Finnish scholars.²⁰ The analysis is backed up by relevant ecological and biological studies and international scientific literature. We draw on recent media stories to bring the discussion up to date. Utilising the theoretical approaches to frames and framing outlined above allows for the activity of illegal killing of large carnivores to be made contextually understandable – albeit not acceptable. Frame analysis reveals the socio-cultural and emotive rationales of poachers, as well as the alternatives to these rationales as presented through an analysis of the societal discussion of illegal killing of large carnivores.

Our analysis pools previous separately published research findings and offers a comprehensive picture of the phenomenon. Certain caveats should, however, be mentioned. Illegal killing is usually, at least to some extent, a secret and hidden activity. The Finnish word for illegal killing or poaching, ‘salametsästys’, translates literally as ‘secret hunting’. This means that the empirical traces that a researcher can follow up or collect are scarce and scattered.²¹ This is manifested by the variety of data sources that the researches reviewed for this article draw on. The data utilised in the studies on illegal killing of large carnivores consist of records of pre-trial investigations, court rulings (only a small number of cases end up in court²²), policy and legal documents, stakeholder and citizen interviews and written narratives based on role play, survey data, media materials, periodicals, archive materials, observations in local communities, autoethnography, registers and statistics. Much of the data is indirect or implicit – i.e. it is not about actual acts of illegal killing, but about the discussion of the subject – and many conclusions rest on logical deduction rather than direct empirical findings. This makes a synthesis article such as ours valuable since it aims to build a comprehensive picture out of scattered pieces of information. Nevertheless, the taboo nature of illegal killing, which has been a problem until recently, has started to fade lately and public discussion is becoming more open.²³ Through ‘second-hand discussion’ it is possible for a social scientist to

¹⁹ Robert D. Benford and David A. Snow, ‘Framing processes and social movements: an overview and assessment’ (2000) 26 *Annual Review of Sociology* 611. See also Ylva Uggla, Maria Forsberg and Stig Larsson, ‘Dissimilar framings of forest biodiversity preservation: Uncertainty and legal ambiguity as contributing factors’ (2016) 62 *Forest Policy and Economics* 36.

²⁰ It is of course possible that the authors have not managed to identify all of them.

²¹ Pertti Rannikko, ‘Susien suojelun tragedia. Autoetnografinen tutkimus salametsästyksen paikallisesta hyväksyttävyydestä’ (2012) 41 *Alue & Ympäristö* 70, 71.

²² Leila Suvantola, ‘Metsästysrikkokset syyteharkinnassa vuosina 2007–2012’ (2014) VII *Ympäristöpolitiikan ja -oikeuden vuosikirja* 315, 317–319.

²³ Pertti Rannikko, ‘Suden salametsästys ja vaikenemisen kulttuuri’ (2020) 49 *Oikeus* 74.

analyse the argumentation related to and reasoning behind specific actions.²⁴ Pre-trial investigations offer good fact-based and ‘first-hand’ material for analysis. It is reasonable to believe that the mixed-method approach and the variety of data sources drawn together in the research offers a broad and reliable perspective on the phenomenon at hand. Since this study focuses on Finland, we will compare our findings with those of similar studies conducted in other countries.²⁵

3 Frames for the Illegal Killing of Large Carnivores

3.1 *Poachers’ View*

3.1.1 Removal

Large carnivores cause severe economic losses for those engaged in reindeer herding. The Finnish government compensates these losses to the tune of approximately seven million euros annually.²⁶ In addition to the financial aspect of the problem, the awareness of carnivores’ presence and of the risk of such loss arising pervades the way in which everyday reindeer herding practices are carried out. It is something that needs to be kept in mind and for which one needs to be prepared.²⁷ This is also true for livestock and sheep herders outside reindeer herding area even though the losses they suffer are not nearly as high.²⁸ The need to tolerate uncertainty and to take risk management and preventive measures (e.g. building and maintaining a wolf-proof electric fence) can be experienced as an unnecessary nuisance. This perception may be reinforced by the potential need for treatment of injured animals as well as the bureaucracy and paperwork involved in submitting applications for compensation. Once the tracks of a carnivore are detected, there is a motive to remove the animal from the area. This can lead to actions such as disturbing the animal, for example by chasing it with

²⁴ On the challenges involved in gathering data related to poaching, see also Stephen L. Eliason, ‘Accounts of Wildlife Law Violators: Motivations and Rationalizations’ (2004) 9 *Human Dimensions of Wildlife* 119, 121.

²⁵ Comprehensive views are offered, e.g. in Robert M. Muth and John F. Bowe Jr., ‘Illegal harvest of renewable natural resources in North America: Toward a typology of the motivations for poaching’ (1998) 11 *Society & Natural Resources* 9. See also von Essen and others (n 2).

²⁶ Reindeer Herders’ Association, ‘Petovahinkokorvaukset 2001–2019 (Porovahingot)’ <<https://paliskunnat.fi/py/porovahingot/petoelainvahingot/petovahinkokorvaukset/>> accessed 9 June 2020.

²⁷ Pohja-Mykrä (n 3) 51.

²⁸ Usually less than half million euros is paid annually by the government for damage caused to livestock, sheep, beehives, crops and dogs (this does not include damage to reindeer). See Ministry of Agriculture and Forestry, ‘Määrärahat eivät riitä viime vuoden suurpetovahinkojen täysimääräiseen maksamiseen’ <https://mmm.fi/artikkeli/-/asset_publisher/maarahat-eivatriita-viime-vuoden-suurpetovahinkojen-taysimaaraiseen-maksamiseen> accessed 9 June 2020.

a snowmobile²⁹ or killing the animal (riding over it on a snowmobile, or poisoning or shooting it).

Rannikko characterises this phenomenon as illegal self-help, i.e. vigilantism.³⁰ He differentiates this kind of ‘removal’ activity from civil disobedience. The objective is to reduce the number of carnivores in the area to prevent damage.³¹ Even though anger or other negative emotions may be present the main motive is practical in nature.

3.1.2 Civil disobedience or semi-public resistance

Illegal self-help can cross over into civil disobedience. The difference between the two is that criminal activity needs to have a communicative element in order to become civil disobedience.³² Civil disobedience is illegal activity whose aim is to publicly protest against legal norms, politics, organisations etc. The person behind it is ready to bear the legal consequences of his or her actions. Civil disobedience is said to be motivated by a conviction that the legal norms protested against are immoral.³³ It may be difficult to understand the illegal killing of large carnivores as a moral act since the species are strictly protected by law. However, as Rannikko³⁴ has aptly put it, the illegal killing of large carnivores is based on an alternative and unofficial normative order informed by different moral codes than the legal order in force. From the perspective of some local communities, it is immoral to have to suffer from damage caused by large carnivores that are protected by the prevailing legal order. Therefore they ignore it and follow the rules of an alternative order.³⁵ Fundamental rights and the balance between public and private interests and liability are very common topics of discussion in a large carnivore conflict.³⁶ There have been occasions in

²⁹ Snowmobiles are commonly and legally used in reindeer-herding activities. They are often used as a tool in removing or killing wolverines in reindeer herding areas. See Outi Ratamäki, ‘Suurpetojen salametsästys eläinsuojelurikoksena – empiirinen analyysi käräjäoikeuden tuomioista’ (2017) X Ympäristöpolitiikan ja -oikeuden vuosikirja 345.

³⁰ Pertti Rannikko, ‘Omankädenoikeutta valtiottomassa tilassa’ in Juha Hiedanpää and Outi Ratamäki (eds.) *Suden kanssa* (Lapland University Press 2015).

³¹ Taru Peltola, Outi Ratamäki and Jani Pellikka, ‘Salametsästys ja oikeuttamisen yhteisölliset strategiat’ in Ismo Björn and others (eds.) *Korpisosiologi(aa)* (University Press of Eastern Finland 2013) 208, 219.

³² Kaarlo Tuori, *Foucault’n oikeus. Kirjoituksia oikeudesta ja sen tutkimisesta* (WSOY 2002) 130–137; Rannikko (n 30) 150.

³³ Ahti Laitinen, *Pääsykoekirja 2/2002* (Turun yliopisto 2000) 147.

³⁴ Rannikko (n 30), 169.

³⁵ Erica von Essen and others, ‘The radicalisation of rural resistance: How hunting counterpublics in the Nordic countries contribute to illegal hunting’ *Journal of Rural Studies* 39 (2015) 199, 206. On neutralisation theory and the emotional atmosphere surrounding illegal hunting, see Mari Pohja-Mykrä, ‘Community power over conservation regimes: techniques for neutralizing the illegal killing of large carnivores in Finland’ (2017) 67 *Crime Law Soc Change* 439, 442.

³⁶ Outi Ratamäki, Tero Laakso and Eija Miettinen, ‘Rauhoitettujen luonnonvaraisten eläinten aiheuttamat vahingot ja valtion tuki - korvausvelvollisuus, vastuunjako ja legitimeetti’ (2019) XII Ympäristöpolitiikan ja -oikeuden vuosikirja 43; Suvi Borgström, *Iso paha susi*

Finland when a poacher has become a national celebrity who publicly explains the political motives behind the illegal killing of wolves. This kind of a poacher might perceive the illegal killing as civil disobedience even if the wider public might not want to accept that kind of interpretation. Civil disobedience often has an honourable tone to it and is, at least according to some definitions, always peaceful and non-violent.³⁷ Theoretically, it could be asked whether this means that killing an animal, especially in a gratuitously violent way, can never be considered to be an act of civil disobedience. From the perspective of animal rights, the illegal killing of wild animals hardly meets all the criteria given for civil disobedience.

When illegal killing is secret, it does not constitute civil disobedience. However, again, it may be asked how secret the activity really is and from whom is it kept secret? Civilly disobedient national level celebrities are rare in this context, but there are also local and regional level ‘heroes’ who enjoy respect purely within their local communities.³⁸ Even though the poacher might not be ready to confess his³⁹ deeds willingly to a police officer and does not actively risk getting caught, he may well brag about his deeds within his local community. He might thus experience a need to communicate, reason and have an audience but is not willing to make a public societal protest out of it on a broader level. The audience here is a local community or a peer group. If he then becomes a criminal suspect (community members might inform on him),⁴⁰ he might either confess or deny the action.⁴¹

Even if labelling the illegal killing of large carnivores as a civilly disobedient activity is controversial, there is something political and symbolic about it. There is a frame that lies somewhere between practical removal (self-help) and civil disobedience: one in which the act has a political and communicative character but does not embrace wider publicity.⁴² It is only the consequences, i.e. the reduction of the carnivore population, and the conflicting opinions surrounding illegal killing that reach a wider audience. A poacher’s illegal activity and the community’s silent approval of it may create and sustain local or regional community spirit that gives a sense of power against urban dominance and management authorities.⁴³

vai hyödyllinen hukka? Ekologis-juridinen näkökulma suden suojelun yhteiskunnalliseen hyväksyttävyyteen (University of Eastern Finland 2011).

³⁷ Laitinen (n 33) 147.

³⁸ Pohja-Mykrä and Kurki (n 8) 769.

³⁹ There are no references to female poachers in the data, and all identifiable persons are male. See also Pohja-Mykrä (n 35) 443; Pohja-Mykrä (n 3) 48.

⁴⁰ Peltola, Ratamäki and Pellikka (n 31) 215; Pohja-Mykrä (n 35) 445–446.

⁴¹ It has been reported that geographical differences exist in relation to the willingness to confess to illegal killing of carnivores. See Outi Ratamäki and Taru Peltola ‘Salametsästäjän muotokuva’ (2013) 3 *Metsästäjä* 52.

⁴² Pohja-Mykrä (n 3) 53, Rannikko (n 21) 79.

⁴³ Pohja-Mykrä (n 3) 51; Pohja-Mykrä (n 35) 440–441; Peltola, Ratamäki and Pellikka (n 31) 219. For a metaphor about Robin Hood, see Pohja-Mykrä and Kurki (n 8) 769.

3.1.3 Revenge

Dog-assisted hunting is a very common practice in Finland. The relationship between hunters and their hunting dogs is rich in nuances. Dogs may be treated as instruments for hunting but very often they are also regarded as pets by the hunter or other members in the family. Hunting dogs may even be regarded as family members or friends. A good hunting dog is something to be proud of: it may be an expensive pedigree dog and training it is time-consuming. During the training period and through shared hunting experiences the emotional bond between the hunter and his or her dog may become very strong. Losing a dog to wolves can be a devastating and even traumatic experience.⁴⁴ The conflict between a wolf or a wolf pack and a hunter who lost a dog to them may become essentially a personal vendetta or be informed by the desire to retaliate.⁴⁵ It is also possible for this kind of emotional reaction to grow from the experience of losing reindeer, cattle or sheep, especially if this happens repeatedly. However, the research conducted indicates that the emotional reaction is strongest in the case of losing a dog.⁴⁶ It is noteworthy, though, that the revenge attitude in the event of losing a dog to wolves is just one way of reacting to it and does not apply to all or even most cases.

3.1.4 An experienced entitlement to control and harvest

Bears are sometimes illegally killed for meat, as are moose. Game animal meat is sometimes used for household consumption and sometimes as the basis of a more organised illegal food chain business.⁴⁷ Our article focuses on the illegal killing of large carnivores and leaves aside other game such as moose. Even if most large carnivores are not hunted legally or illegally for meat-acquisition purposes, the traditions of Finnish hunting culture may explain something of the attitude Finns have towards game and other wild animals in general. In addition to the idea of harvesting, the idea of ‘entitlement to control’ is part of this frame.

Hunting and fishing are such common practices in Finland, and the game animal populations and fish stocks often so rich, that self-harvested game and fish meat may form a substantial part of a household’s protein consumption. The term ‘subsistence use’ is sometimes used, but is rather ambiguous. It may refer to voluntary household consumption where part of the household’s nutritional needs are met through ‘harvesting’ of game and fish stocks produced by ecosystems but the concept can also refer to a more severe need to do so.⁴⁸ This

⁴⁴ On the emotional reasoning behind the illegal killing of carnivores, see Pohja-Mykrä and Kurki (n 14), 25–28.

⁴⁵ One of the authors of this article came across one revenge-motivated narrative told by a poacher in an interview conducted for her research. See also Pohja-Mykrä (n 35) 454; Pohja-Mykrä (n 3) 50.

⁴⁶ Pohja-Mykrä (n 3) 48.

⁴⁷ ‘Nurmeksen salakaatojutun syytetyt kiistävät’ (*Kaleva*, 9 February 2004) <<https://www.kaleva.fi/nurmeksen-salakaatojutun-syytetyt-kiistavat/2110329>> accessed 20 August 2002. See also Peltola, Ratamäki and Pellikka (n 31) 218–219.

⁴⁸ Pekka, Salmi and Outi Ratamäki, ‘Fishing culture, animal policy and governance: A Case Study of Voluntary Catch-and-Release Fishing in Finland’ in T. Douglas Beard, Robert

latter case was not foreign to Finns in the 19th century, when famine was experienced. At the same time, game management, as an administrative practice, was organised by the state government and Finns lost their legal right to freely exploit the game animal populations. These new restrictions did not apply to animals considered as pests (e.g. bears, wolves and foxes). In fact, the state encouraged people to hunt wolves by paying bounties.⁴⁹ As regards valuable species such as moose, private land owners were privileged since they held the right to hunt on their own land (with some limitations).⁵⁰ In a way, the concept of the poacher was developed during this period. A typical poacher was a landless man looking for food for his family. Game management policy was a success from the perspective of species conservation. The moose population, which had been reduced to a worrying level, revived.⁵¹

We believe that these historical trends may affect the framing of the illegal killing of large carnivores at present. Even today in Finland, hunting rights are tied to land ownership. A basic rule is that whoever owns the land, holds the right to hunt on it (with some restrictions, for example concerning hunting periods and quotas set by the government). At the same time, living game is nobody's property. Because of the country's history of rather liberal hunting rights, the liminal character of game and the outlaw character of wolves, some hunters today do not see it as morally problematic to remove some from the population even in the absence of a permit.⁵²

3.1.5 Socialisation

The hunting of large carnivores, especially wolves, demands skill, knowledge and often a large group of men. Traditionally, wolf-hunting has taken place using a streamer, which is a rope several kilometres in length that has coloured flags at regular intervals. This rope is set around the wolf or wolves to keep it or them in one place. This requires the participation of many hunters. The use of such techniques in illegal hunting means that the act is known to, planned together and carried out by large gangs of men. Investigations of cases demonstrate that the planning of an illegal hunt may require regular patrolling, knowledge exchange and communication among the gang members.⁵³ Keeping the illegal act secret requires that the gang members trust each other. On the other hand, illegal activity may induce positive feelings, excitement and 'delightfully

Arlinghaus and Stephen G. Sutton (eds.) *The Angler in the Environment: Social, Economic, Biological, and Ethical Dimensions* (American Fisheries Society 2011).

⁴⁹ Pertti Rannikko and others, *Kohtaamisia metsässä. Eläinkäyttöistä yhteistoimintaan* (Metsäkustannus 2011) 79–92. See also Lähdesmäki and Ratamäki (n 6) 35–39.

⁵⁰ Rannikko (n 23) 79.

⁵¹ Rannikko and others (n 49) 88.

⁵² Peltola, Ratamäki and Pellikka (n 31) 217. In theoretical terms this may be referred to as 'neutralisation'. See, e.g., Stephen L. Eliason, 'Illegal Hunting and Angling: The Neutralization of Wildlife Law Violations' (2003) *Society and Animals* 11 225. See also von Essen and others (n 2) 636–637.

⁵³ See, e.g., Taru Peltola and Jari Heikkilä 'Outlaws or protected? DNA, hybrids and biopolitics in a Finnish wolf poaching case' (2018) 26 *Society & Animals* 197.

deviant behaviours' among the gangs,⁵⁴ strengthening group integrity. Hence, illegal action both requires and may lead to the formation of a criminal subcommunity. The gangs may be protected by others in the local community, extending the deviant subcultures and hence contributing to the development of local moral codes, although such support may be dissipating.⁵⁵ Nevertheless, social bonding through illegal activities is also linked to the frame of resistance, the formation of 'pockets of traditionalism' and 'defensive localism' against dominant urban cultures.⁵⁶

3.1.6 Trophy hunting

The illegal killing of large carnivores in Finland as a form of trophy hunting is difficult to detect and study empirically. In general terms, trophy hunting is often connected with the recreational legal or illegal killing of big game. Taking and displaying some part of the animal as a trophy is part of the phenomenon. However, for some, the acquisition of a trophy is more important than the actual hunt so the linkage between trophy hunting and the recreational value of hunting is not clear.⁵⁷ In Finland, the concept of trophy hunting is not in general use. When it is used, it usually refers to Finnish hunters travelling to other continents to hunt exotic animals. It is thus tied to the idea of hunting tourism. However, it is a very old and common tradition to decorate households with moose pelts and horns and, sometimes, bear pelts. Talk of wolf fur hat or mitts is commonplace but rarely translates into reality. Wolf pelts do not nowadays have much monetary value but may be considered in trophy terms. The idea of trophy hunting may also be connected with the 'revenge' frame. One element that is, or at least comes close to the idea of, a trophy in Finnish hunting culture are the photos taken and shared by hunters showing them with the game they killed.

The idea of a trophy is also connected with the illegal killing of large carnivores in another way in Finland. The Ministry of Agriculture and Forestry organised a two-year trial of legal hunting of wolves with the aim of decreasing the impetus to engage in illegal killing. This trial was partly based on a psychological strategy and the expectation that turning wolves into a valuable game animal and a trophy animal would work against illegal killing.⁵⁸ The trial was discontinued after two years because it was assessed as being too risky in terms of managing the wolf population sustainably.

⁵⁴ von Essen and others (n 2) 634.

⁵⁵ Rannikko (n 23) 74.

⁵⁶ von Essen and others (n 35).

⁵⁷ Muth and Bowe (n 25) 16.

⁵⁸ Mykrä, Pohja-Mykrä and Vuorisalo (n 5) 76; Ministry of Agriculture and Forestry, *Susikannan hoitosuunnitelma [Förvaltningsplan för vargstammen i Finland]* (Ministry of Agriculture and Forestry, Finland 2015) Appendix 8.

3.1.7 Thrill or amusement killing

Hunting is experienced as a form of recreation by hunters. This is true also for poachers. Experiences of excitement and competition are often involved. The recreational value of hunting, i.e. the ‘thrill of the hunt’, is usually differentiated from the emotional or psychological thrill of killing an animal, i.e. ‘thrill killing’.⁵⁹ In Finland, the idea of thrill killing seems to be a taboo. There is not much, if any, public discussion about it and the issue is very sensitive.

Different kinds of thrill experiences are also involved in illegal killing. In situations where a poacher has gone public with the offences he has committed, there seems to be some pride involved. The poacher insinuates that he has committed several crimes about which the police do not know. This kind of ‘cat and mouse’ play may form part of a poachers’ motivation or at least something to be enjoyed.⁶⁰

The concept of killing for fun, referred to here as ‘amusement killing’ is topical at the time of writing. The media has reported on some cases where large numbers (dozens or hundreds) of animals – game animals but also other animals, such as feral cats – have been killed to no clear purpose.⁶¹ The news on the media suggests that the killing has been done purely for fun. However, uncovering the poachers’ true motives would require more reliable empirical data than that. Interviews with the poachers would be one method of obtaining the necessary information. However, at least in the media, critical discussion of amusement killing seems to be on the rise in Finland. The issue was raised also when hunters organised a (legal) hunting competition where the winner was the person who gained the most points by killing the largest number of small predatory animals. The competition was connected with the goal of culling invasive alien species, but only a proportion of the species targeted were actually invasive alien species. Animal rights activists and animal protectionists opposed the competition very strongly.⁶² The connections between amusement or thrill killing and the illegal killing of large carnivores in Finland are unclear and would require further research.

⁵⁹ Muth and Bowe (n 25) 16–17.

⁶⁰ See also von Essen and others (n 2) 634.

⁶¹ Minna Salomäenpää and Iina Kluukeri, ‘Nuoret miehet ampuivat eläimiä auton ikkunasta – syyttäjä vaatii ehdollista vankeutta poikkeuksellisessa salametsästysjutussa’ (*YLE*, 12 November 2019) <<https://yle.fi/uutiset/3-11063689>> accessed 20 August 2020; Sari Vähäsarja, ‘Metsäneläimiä auton ikkunasta ampuneille miehille ehdollista vankeutta ja pitkät metsästyskiellot – kauriista, rusakoista ja kalalokeista myös iso lasku’ (*YLE*, 28 November 2019) <<https://yle.fi/uutiset/3-11092183>> accessed 20 August 2020.

⁶² ‘Häijään pienpetokilpailu osa 1 - Syitä reaktioiden taustalla’ (Metsästä -blog, 16 February 2020) <<https://metsastakirja.fi/metsastysblogi/haijaan-pienpetokilpailu>> accessed 20 August 2020; Maria Lindqvist, ‘Häijäessä tapettiin huvin vuoksi – vastaavat kilpailut tulisi kieltää lainsäädännöllä’ (Eläinten ystävä, online magazine of Animal Welfare Finland, 20 February 2020) <<https://www.elaintenystava.fi/mielipiteet/pääkirjoitus/315-haeijaeaessae-tapettiin-huvin-vuoksi-vastaavat-kilpailut-tulisi-kieltaeae-lainsaeadaennoellae>> accessed 20 August 2020.

3.2 *Outsiders' Perspective*

3.2.1 A threat to sustainable population management

The frames described thus far help explain poachers' motives and socio-cultural settings at local and regional levels. We now turn away from the poachers' mindset and towards frames set by authorities or critical publics.

The objective of the Habitats Directive is tied to the more general objective of the conservation of nature and natural resources. Article 1(a) of the Directive defines conservation as a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status. Of the four terrestrial large carnivores present in Finland it has proven to be most difficult to achieve a favourable status in respect of the wolf and wolverine populations. The bear and lynx populations are doing better. Research suggests that, at least in the case of wolves, illegal killing is the most significant factor in keeping the population low.⁶³ The severity of the challenge is underlined by the fact that in the national wolf management plan the policy objective is to first achieve the minimum viable wolf population and only after that the favourable conservation status.⁶⁴

3.2.2 Aggravated hunting offence

In legal terms, the illegal killing of large carnivores is termed an aggravated hunting offence. The Finnish Hunting Act defines hunting as follows:

Hunting means the capturing and killing of wild game animals as well as taking quarry into possession by a hunter. Hunting also comprises luring, searching for, circling, stalking, chasing or tracking a game animal for hunting purpose, using a dog or other animal trained to hunt for searching, pursuing, or tracking a game animal, as well as keeping a hunting device at a hunting location ready for hunting.⁶⁵

This means that killing wild animals other than wild game animals (which are listed in the Hunting Act) does not constitute hunting, but is simply killing. In everyday language, people often fail to draw this distinction and use the term 'hunting' to refer to any killing of wild animals. It is also customary in Finland to talk of secret hunting (*salametsästys*). However, the discursive connection between hunting and illegal killing is contested. Some hunters and their association have opposed the use of the term 'hunting' in the context of illegal killing. They wish to underline that hunting is an honourable practice and a key aspect of game management that should not be mistaken for anything illegal. However, the debate is intensified by the fact that most acts of illegal killing are known to have been committed by hunters and the respective practices of legal and illegal hunting can be difficult to distinguish from each other in certain circumstances (e.g. hunting in excess of a stipulated quota or using illegal

⁶³ Suutarinen and Kojola (n 9).

⁶⁴ Ministry of Agriculture and Forestry, *Susikannan hoitosuunnitelma [Förvaltningsplan för vargstammen i Finland]* (Helsinki 2019) 14.

⁶⁵ Hunting Act (615/1993, in Finnish *metsästyslaki*, in Swedish *jaktlag*), Section 2.

methods in an otherwise legal hunt). One exception to this is the killing of large carnivores by reindeer herders in the course of reindeer-herding activities. In practice, a person who does not have a hunting hobby or hunter status may be convicted of a hunting offence.⁶⁶ Socio-cultural norms and frames do not go hand in hand with legal norms and frames in this regard.⁶⁷

Legal hunting and illegal killing have yet another linkage. The chapter focusing on trophy hunting (chapter 3.1.6) explains how population management (i.e. hunting) has been tried as a means by which to reduce the illegal killing.⁶⁸ Based on analysis carried out later it appeared that this short trial had at least reduced illegal killing to some degree but that the wolf population could not sustain the amount of hunting that was going on.⁶⁹ It is challenging to control the total mortality rate since wolves also get killed in traffic accidents and by the police in situations where an individual wolf presents a danger to human life or health. Based on the two-year trial, it is impossible to say what the effects of this policy would have been if it had continued. Legally speaking, this kind of policy trial is tricky since scientific evidence as to the probable effects of any policy measure should be known in advance.⁷⁰

3.2.3 Violation of animal rights

The hunting or killing of animals can be considered as murder. This is true in the frame in which animals are understood as sentient beings that have a right to life. There are different theoretical approaches to animals' legal and moral rights, and there is no space to go through them here. Some general ideas may, however, be introduced. Even if illegal killing were to be considered ethically and morally more reprehensible than legal hunting, from the perspective of an individual animal's life it matters little whether the life is taken illegally or legally. Therefore, in this context, talk of illegal killing is easily widened to entail questioning the morality of hunting per se. In a similar way to that in which a poacher can justify his illegal killing as civil disobedience when ignoring the moral norms embedded in the legal order in force, an animal rights activist may also abandon them and refrain from the use of animals as a source of meat or other resources.

⁶⁶ According to Pohja-Mykrä (n 3) 48, over 80% of poachers identified in the data they collected had hunting licences.

⁶⁷ Outi Ratamäki and Matti Tolvanen 'Metsästys ja pyynti: rikosoikeudellinen tulkinta ja rikoskonkurrenssi' (2018) 99 *Defensor Legis* 167.

⁶⁸ See, e.g., Mykrä, Pohja-Mykrä and Vuorisalo (n 5) 75–77.

⁶⁹ Ministry of Agriculture and Forestry, 'Maa- ja metsätalousministeriön asetus poikkeusluvalla sallittavasta suden metsästyksestä poronhoitoalueen ulkopuolella metsästysvuonna 2016—2018 [Jord- och skogsbruksministeriets förordning om jakt på varg som sker med stöd av dispens utanför renskötselområdet under jaktåren 2016—2018]' (Decree 21 December 2016) <http://mmm.fi/documents/1410837/1516659/Susiasetusmuistio_2016-2018.pdf/6fa51d82-1e33-4757-b6f4-b90f388ada48> accessed 9 June 2020. See also Pohja-Mykrä (n 35) 456–457.

⁷⁰ Case C-674/17 *Luonnonsuojeluyhdistys Tapiola* [2019] OJ C 63/7.

The Finnish Animals Rights Law Society has produced a proposal entitled 'Fundamental Rights for Animals'.⁷¹ This text suggests the following fundamental rights of wild animals:

A wild animal has the right to life and the right to live in freedom, in the animal's natural habitat. A wild animal has the right to receive help if sick, injured or otherwise incapacitated. If an animal is in a condition such that keeping the animal alive is obviously cruel, the animal has the right to be euthanised. Animals must be in such cases killed as laid down by law.

The rationale for the proposal states that the right to life protects the animal from the deprivation of life both by killing and by causing the destruction of the animal's conditions for survival. In addition, the right to life presupposes active measures to protect life, such as helping animals that are in mortal danger. It is clear that not only the illegal killing of game animals but also hunting as a hobby would be considered a highly questionable practice in this legal order. In fact, in this legal order it would be unnecessary to categorise animals as game animals, unprotected or protected and invasive as is currently the case under the Finnish legal system. One option would be to list all wild animals under the Nature Conservation Act (1096/1996), which is based on the logic that all animals are protected unless stated otherwise. The Hunting Act's starting-point is the other way around: all animals that fall within its scope are to be regarded as 'killable' or 'hunnable' unless stated otherwise. If fundamental rights for animals were to form part of the legal order, the Hunting Act might well be purposeless and unacceptable.

The violation of animal rights is also present in illegal killing acts in another and more concrete way. Illegal killing may also be held to constitute an animal welfare offence in addition to a hunting offence. This means that the poacher has violated more than one code of legal protection.⁷² Hunting offence regulation aims to protect biodiversity and hunting ethics; while animal welfare regulation protects animals from unnecessary suffering, pain or anguish. The most commonly detected cases in Finland in which both hunting and animal welfare offences are committed simultaneously are those in which reindeer herders run over a wolverine (or sometimes lynx) with a snowmobile.⁷³ The use of violence in illegal killing is not always informed by a desire on the part of the poacher to inflict pain, as it may also be the case that the poacher is simply indifferent as to whether pain is inflicted or not. Furthermore, if a gun is not available the killing of an animal is difficult and that may result in other tools, not designed for killing, being used (in addition to snowmobiles, there have also been cases in which it has been shown that axes and branches have been used).⁷⁴ The use of such tools often results in a slow and painful death. On the other hand, it is also possible that this type of action is actively informed by the desire to inflict pain,

⁷¹ Finnish Animal Rights Law Society, <<https://www.elaintenvuoro.fi/english/>> accessed 4 June 2020.

⁷² Ratamäki and Tolvanen (n 67).

⁷³ Ratamäki (n 29).

⁷⁴ Ibid.

for example within the revenge frame.⁷⁵ One subframe for the violation of animal rights frame is thus a ‘hate crime’ or ‘crime of passion’.⁷⁶

4 Conclusions

Based on our analysis it is clear that no single motive explains the illegal killing of large carnivores. This even holds true in respect of wolves, identified as the trickiest species in the large carnivore conservation context, and often associated with socio-political motives.⁷⁷ Motives vary from socio-political to personal and communal. Furthermore, a poacher may be motivated by several reasons, i.e. be party to several frames, at the same time. However, in public discussion, the diversity and complexity of the phenomenon are rarely described or revealed.

In comparison to earlier similar research, our analysis succeeds in identifying at least one frame and motive that has not previously been discussed to a great extent. This is the revenge frame. This frame was revealed, or its existence was at least confirmed, through a personal interview with a poacher. Interviews with poachers are scarce, but information obtained in this way has the potential to widen and renew scientific research and understanding of the phenomenon. The socialisation frame is also tricky to investigate but would offer a grassroots level perspective on illegal killing. Analysing it in more detail would help to reveal how local social dynamics work to enable and sustain illegal killing practices and maintain public silence about it, and how this complicates investigation both for researchers and for the police.

In addition to this, our analysis helps to reflect the poachers’ point of view as against other societal and political frames. This perspective provides insight into the conflictual nature of the illegal killing of large carnivores as a societal phenomenon and offers tools by which to move forward with the discussion. We do not merely provide analysis that helps to increase understanding of this illegal activity, but also provide opportunities to reflect upon, contextualise and put in perspective or reframe the phenomenon. Since many of the poacher-centred frames are discursively and narratively known and familiar to the public, it is cognitively creative to introduce counter-discourses. This is especially important in cases where the dominant discourses tend to support destructive practices.⁷⁸ We believe the frame formulated by animal rights advocates offers opportunities to do this kind of cognitive practice. In reframing practices, the facts remain the same but interpretation of the act changes.

We found it interesting to realise that, even if animal rights advocates and large carnivore opponents are two extremes in the frame analysis, their solution to the experienced moral dilemma is very similar. Whereas a poacher may decide to oppose or simply ignore the normative codes validated by legislation and follow alternative, personal or semi-publicly shared, codes, an animal rights

⁷⁵ Peltola, Ratamäki and Pellikka (n 31) 219–220.

⁷⁶ Pohja-Mykrä (n 3) 48.

⁷⁷ Ibid 53.

⁷⁸ The concepts of counter-discourse and destructive discourse are used in Arran Stibbe, *Animals Erased: Discourse, Ecology, and Reconnection with the Natural World* (Wesleyan University Press 2012).

lawyer or advocate may equally decide to partially bypass the legal order in force and live a life or propose conduct that, as strongly as possible, follows alternative, less destructive and more respectful moral codes. This insight might work as a neutral standpoint for discussion in conflict resolution situations since it explains something about what is going on in the conflict.

Finally, we would like to highlight the fact that several frames have been identified and – even if we cannot compare their empirical popularity or effective strength against each other in a scientifically valid way – we know that some of them are discursively more popular than others in the media. Why is this? It may of course be that those frames that describe the most common motives behind the illegal killing – i.e. those that have greater explanatory power – are more popular but we suggest that the answer is more complex. Frames are not facts, even if a person living by them may experience them in this way, but are selective in relation to facts. They are attempts to define and reason. They are recommendations for interpretation. They are different kinds of illustrations of societal phenomena. In the public sphere, whether at national, regional or local level, some framings are marginalised while others are allowed to dominate. Mainstream framings usually enjoy communal and/or institutional support and thus tell us a lot both about a society's values and about power structures. These two strands do not always go hand in hand. It is not always the case that those in power represent the majority values in society. In a situation where physical or mental violence or other use of strength is present – and this is true for the illegal killing phenomenon – fear may prevent value statements from appearing. It is also true that in a discursive atmosphere that encourages or seems to almost demand strong and simplistic argumentation in the media, mundane or empirically complex problems are suffocated by more emotional and acrimonious argumentation. We suggest creating opportunities for citizens and stakeholders to engage in fact-based discussion in a safe environment in which to renew and question attitudes, which are often very polarised and inflexible, towards the illegal killing of large carnivores. Mixing representatives from different levels of society would provide learning experiences since it would create encounters for different frames. These kinds of meetings, when facilitated skilfully, might give a voice to needlessly silent and marginalised perspectives, thus narrowing down the operational environment for supporters of such illegal activities and participants in them.

