

Moral, cultural and legal discrepancies in hunting: bridging the fault line between fair chase and 'killing for the table'

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Abstract

In this paper, we explore how legal, cultural and moral norms have become differentiated in the hunting context. Indeed, the legal domain is suffering from a lack of legitimacy as cultural and moral guidance, and the proviso "freedom with responsibility", promote autonomy and informal enforcement among hunters. Through in-depth interviews with Swedish hunters, who currently purport distrust of authorities on several hunting related issues, we identify tensions between the above domains in society. We argue the aversion on the part of hunters to open up for public deliberation and state interference on rising challenges in modernity that bear on hunting has increased the distance between state regulation and cultural guidance. In a Habermasian socio-legal perspective, the two have become differentiated and the legal domain is no longer integrated on the basis of shared norms. Using a case study focused on the tension between fair chase and hunting with efficiency for material ends ("killing for the table"), five interrelated dilemmas are explored as to how they manifest these tensions: the use of technical aids, game allocation, commodification of hunting, and alcohol in hunting. Findings indicate through aversion to detail regulation and a preference for autonomy, hunters overwhelmingly resolve these dilemmas in the private sphere. Here, they are vulnerable to mostly undemocratic forces, including tradition, market forces and top-down implemented state regulation. Private autonomy also requires much reflexivity of the individual hunter, reflexivity which we contend could be harnessed in deliberative fora.

Introduction

Moral, cultural and legal norms are increasingly disharmonized in many hunting cultures. To wit, what is legal is now not necessarily the same as the ethical course of action, or consistent with the local traditions of the hunt. Examples of this tension include deciding whether to shoot an eight-point buck five minutes after sunset, thereby incurring a legal violation but remaining in a morally justifiable domain. Conversely, should the hunter shoot a majestic albino moose, technically a legal quarry left on their license, and thereby invite moral unease and the disapproval of their peers? A hunter's response to such dilemmas may subject them to social sanctions by other hunters (Heberlein, 1991; Gezelius, 2002; Eliason, 2004).

The social sanctions dictated by cultural and moral domains can provide stronger guidance for the hunter than legal proscriptions (Krange and Skogen, 2007; Bisi and Kurki, 2008; von Essen et al., 2014). Indeed, crime detection and enforcement by external agents is extremely difficult in rural settings (Gavin et al., 2010; Bunnefeld et al., 2013; Crow et al., 2013; Gangaas et al., 2013). Another reason why hunting resists state regulation is that hunting decisions may be seen more as the purview of local traditions than the state, which may often be viewed as the bastion of urban outsiders seeking to restrict the freedoms of hunting (Bisi, 2008).

Relative rejection of state interference in hunting comes with palpable advantages. For one, the hunter may be better positioned to honor the alleged *raison d'être* of hunting, namely, that of being able to exercise a higher degree of freedom and choice in nature (Ortega y Gasset, 1972). Accepting state interference in hunting decisions may be seen as diminishing the freedom sought through hunting. Similarly, many hunters attempt to justify the activity by treating the activity as an atavistic primordial source of good that confers to the hunter self-reliance (Emerson, 1841; Ortega y Gasset, 1972; Morris, 2013) and connectivity with nature's processes (Causey, 1989; King, 1991; Hettinger, 1994; Callicott, 1999), a predicament that is incompatible with being subjected to detail regulation and bureaucracy.

The problem, however, is that when informal enforcement and moral self-policing supplant the legal domain, the cultural domain has to shoulder a heavy burden. Indeed, by being permitted "freedom with responsibility", as is the mantra in Sweden, hunting faux pas committed within this self-governing realm may be costly to the self-representation of hunting, which is already precarious in contemporary society (Van de Pitte, 2003; Knezevic, 2009). Do these wrongs indicate that hunters are unable to check the behavior of peers? To this end, from whose perspective are they wrongs? The public? The state? Wildlife? The hunting community? We identify a series of

interrelated dilemmas for the hunter that display conflicting allegiances, to the state, to the quarry, and to hunting peers. These dilemmas thus denote state law having been supplanted, or at least somewhat challenged, by alternative spheres of control like morality and culture. Hence, our paper explores the tension between the *cultural*, the *moral* and the *legal* in the hunting context. One abiding dilemma where this is most visible is in how the modern hunter balances the ethic of fair chase with efficiency.

Fair chase and efficiency in conflict with modern hunter

We suggest that a tension in the internal logic of hunting between fair chase and efficiency engenders some inescapable dilemmas for the hunter, whose “freedom with responsibility” results in oscillation between playing the game honorably and hunting efficiently. Indeed, the proviso raises the question of responsibility to whom? To the quarry or to other hunters? Can these two be reconciled? Hence an aim of this paper is to, first, ascertain what sorts of dilemmas in particular raise these questions. Second, it should determine to what or whom allegiance is owed in situations where norms and rules conflict.

We further argue that given lack of adequate public fora and a tendency to close off to state regulation and settle matters privately (Janoski, 1998; Magnussen and Banasiak, 2013), these dilemmas are resolved in undesirable ways in the private sphere of hunting. A continued reliance by hunters on their conscience and on private, cultural enforcement may threaten the validity of rules established by the state, promoting a schism between hunters’ norms and those of broader society. Indeed, a growing divide between internal norms and those imposed by the state will narrow the space for collective hunting bodies to engage in deliberation on hunting related issues (Magnussen and Banasiak, 2013).

Our theoretical perspective represents Habermasian socio-legal theory as applied to the context of hunting. The idea of harmonizing the legal, cultural and moral in societal issues has been successfully operationalized by Mockus in increasing compliance with state regulation in Bogota (Mockus, 2003). We take the legal domain to be that of state regulation and constitutional decision-making; the moral domain comprises societal values at various levels (individual, group and collective) and finally, the cultural domain is the social and democratic praxis that serves as a motor for change. The cultural domain is hence responsible for dynamics and for integrating the institutional or legal realm with moral values. This theoretical perspective illuminates the importance of establishing a deliberative public hunting culture that is able to harness cultural

norms deliberately to check the legitimacy of the legislation that affects them. In so doing, it serves as a common resource against critique from anti-hunting critics.

We commence with a section that outlines the fair chase ethic and raises critiques toward it, including how honouring fair chase has frayed with the efficiency rationale associated with 'killing for the table' or otherwise approaching hunting as means to a material end. In what follows, five substantive themes of dilemmas we distilled from the interviews, which include technical aids, game allocation, commodification of hunting, and alcohol in hunting, are presented in the results section. Finally, a critical discussion uses these findings to substantiate that moral deliberation over efficiency and fair chase is now more than ever required of hunters, and that when laws become divorced from norms, they become precariously exempt from the necessary continued contestation.

The fair chase ethic

There are three primary interrelated constituents to fair chase that bear on this study. These are fair chase as a conservation ethic; fair chase as a pre-agrarian virtue rejecting technological shortcuts and fair chase as a status marker. The definition of fair chase, broadly taken, is that of giving justice and a fair chance to the animal one hunts, for example by allowing it to use its natural wiles in escaping the hunter. Fair chase accompanied the technological revolution, which presented the hunt with palpable advantages that greatly increased harvest success (Gutiérrez et al., 1979). Motorized vehicles, advanced automatic weapons, tools for baiting quarry and tracking devices (e.g. motion detecting cameras and high resolution radar) can today dramatically shift the balance in hunting contexts away from prey and toward the hunter by facilitating practices across previously untraversable terrains (Pauley, 2003; Cahoone, 2009). An ongoing challenge, there is now sophisticated remote sensing aerial hunting technology to the point of military fetishism (Wall and McClanahan, 2015), including gear that can pinpoint the location of game with striking accuracy and send a photo directly to the hunter's smartphone.

Fair chase is taken to have originated largely in this context as unfair advantages over prey were minimized to ensure surpluses of harvestable game in the future (Cahoone, 2009). As a marker of social status, the fair chase or sportsmanship code became associated with certain privilege, where hunters could now hunt, not to satisfy welfare interests, but as a luxury to engage with once ones' welfare interests were properly satisfied. Hence utilitarian 'slob hunting' (Gunn,

2001), prone to shortcuts to incur maximum yields of meat, was pitted against gentlemanly field sports to be enjoyed for their own sake and virtues, which necessarily required a display of fair chase toward the quarry (Boddice, 2008). Herein the first critique toward fair chase emerges. List (1998; 2004) finds fair chase lend itself to an elitist division between gentleman hunters and outcome-oriented subsistence hunters, where the latter are declared the “scourge” of wildlife. That fair chase is held higher standard than efficiency is particularly manifest in the case of English fox-hunting, in which aristocratic hunts constituted the proper way of hunting, while killing for the table (for example by trapping or snaring) was unacceptably “vulpicide” (Marvin, 2007). In developing countries the credo that “...in all true hunting, process outranks project” (Petersen, 2000) has borne heavily on neo-colonialist developments, where the indigenous are characterized as ruthless poachers and well-off tourists constitute the ‘proper’ ethical hunters (Wall and McClanahan, 2015).

Ecofeminists, too, level fairly cutting critique toward the fair chase ethic mainly because they oppose the characterisation of hunting as a game. Indeed, these critics declare it deeply unfair on account of the fact animals do not consent to this game or possess any sort of lusory attitude toward it (Vitali, 1990; Cohen, 2003). The characterisation of hunting as a sport, moreover, is argued to absolve responsibility from the taking of life (Adams, 1993; Kheel, 1995), and make killing for killing’s sake a virtue, which has a degenerative effect. Another pertinent critique is that if these rules were enacted to have the hunt mimic prehistoric constraints, it is an anachronistic approximation of our ancestors’ life-and-death reliance on hunting (Luke, 1997). As scholars have observed, the game element makes hunting a pastiche (Svendsen Bjørkdahl, 2005) or, at best, an atavistic activity (List, 1998). Finally, scholars charge the fair chase ethic with being a cosmetic cover-up that codifies what is actually ruthless efficiency behind many trophy hunting clubs like Boone & Crocket and Pope & Young (List, 1998; Peterson, 2000).

What, then, is the alternative to fair chase? Should any and all efficiency to maximize hunting as means to a material end be justified? Indeed, hunting is often justified on the basis of provision of meat, therapeutic wildlife management, conservation and heurism (Loftin, 1984; Curnutt, 1996; Shepherd, 1996; Holsman, 2000; Paulson, 2012). Hence it stands to be assessed primarily on how efficiently it achieves these ends. But scholars observe that to approach hunting as a means to an end is usually misguided and dishonest (Baker, 1985). For example, virtues of self-reliance and nature participation can be attained from non-consumptive activities that do not involve killing (O’Leary and Harmon, 1979; Hettinger, 1994; Moriarty and Woods, 1997). In response to any arguments on how hunting delivers us sanity and frees us from the ‘disease’ of agricultural society (Swan, 1995; Shepherd, 1996) non-hunters are demonstrably fine without the element of

killing in their lives. Indeed, there are also perfectly robust alternatives to meat eating, so hunting is equally hard to substantiate as a food procuring good.

The modern hunter needs to appeal to hunting both as an efficient means to an end, and as a game to be valued for its own sake and hence be assessed on the basis of fairness rather than mere efficiency (Suits, 2005). As Svendsen Bjørkdahl (2005) notes, neither “killing with passion” as is associated with the lusory element of hunting nor “killing dispassionately” as associated with hunting as means to material ends are virtuous in themselves and require balancing for ultimate justification. As we show, this is no easy feat. It is interesting to note that scholars have overwhelmingly skirted the issue of the tension between fair chase and efficiency. Indeed, they often devise typologies for discrete ways of hunting, either pitting utilitarian meat hunters from sport hunters (Kellert, 1978), or suggesting the hunter goes through these stages in their evolution to maturity. Needless to say, such typologies do not accommodate any idiosyncrasies within the hunter. Indeed, we draw from Marvin (2013), who argues any such categories and progressions must be re-orientated as non-exclusive *modes* of hunting, which can be experienced by any hunter at various situations. If we accept that this tension result in such *modalities* of hunting rather than discrete categories of hunters, and indeed we should, the situation becomes more complex. Herein a premise is that accommodating multiple modalities will intuitively raise demands for moral deliberation by the hunter to adjudicate in dilemmas in the field (Simpson and Cain, 2000). In what follows, we relay these dilemmas as they pertain to the tension between fair chase and efficiency.

Method

We conducted a total of in-depth 25 interviews with hunters, spread geographically across Sweden. We cast a wide net to access new hunters, female hunters, urban hunters and a range of specialized hunters (trackers, bird enthusiasts, big game hunters, competitive shooters and professional hunters) across an age range from 25 to 90 years of age. Respondents were selected through a snowball method that operated from a combined tripartite point of origin with the aim of achieving data triangulation to capture diverse voices (Bryman, 2004): contacts from the Swedish Hunting Association or the National Hunters Association, personal contacts to the researchers, and eliciting the perspectives of hunters from an online hunting forum, robsoft. Each respondent was asked to suggest additional names in any part of the country.

The 25 interviews constituted a mid-point in the larger FORMAS-funded research project "*Confronting challenges to political legitimacy of the natural resource management regulatory regime in Sweden - the case of illegal hunting in Sweden*", in which questions to hunters centered on the perceived legitimacy of laws and decision-making processes in wildlife management. Respondents reflected on situations where they did not agree with a law, knew someone who had broken it, and on what they reasoned to be the right thing to do in the particular hunting situation. By proceeding discussions on distrust of authority and the place of hunters in society, dilemmas could also better be positioned in their socio-political and legal contexts. To facilitate reflections in those cases where respondents appeared stumped as to what prohibitions applied to them, we sometimes utilized a sketch on rules for the Swedish hunters (see figure 1.). Furthermore,

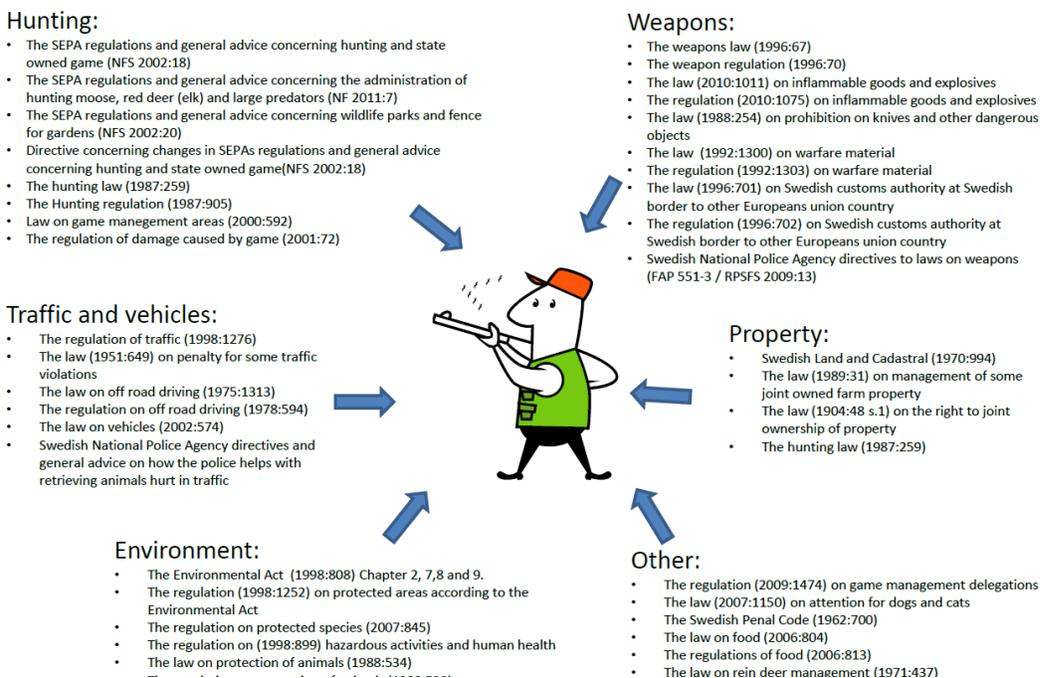


Figure 1: Legal rules for the Swedish hunter

We employed an inductive

research process whereby respondents formulated the dilemmas, rather than imposing any *a priori* framework. The notions of fair chase and efficiency were similarly *ad-hoc* concepts fitted on to the data. Interviews were 1 h 20min to 2 hrs. in length and semi-structured in nature. Because of the sensitive nature of some questions pertaining to law-breaking, anonymity and indirect interview techniques were utilized (Rubin and Rubin, 2011). One approach was to ask respondents if they knew someone who had committed a hunting crime when faced with these sorts of dilemmas and what they thought of types of illegal hunting. Second, adapting the premises of recent success in indirect interviewing with illegal hunters in Finland (Pohja-Mykrä and Kurki, 2014) they could also

be presented with hypotheticals that inquired what one might do in a given situation. From verbatim transcriptions, we took out the predominant dilemmas and tensions that the hunters had experienced in relation to fair chase and efficiency, which resulted in five primary themes. These are: technical aids, game allocation, commodification of hunting, and alcohol and hunting. We relay respondents' arguments where appropriate and complement the final discussion with our philosophical framework in terms of the tension between the legal, the moral and the cultural domains.

Findings

Interviews revealed that the hunters were critical toward, and had a great deal to say about the behaviors and practices of other hunters. Virtually every respondent reflected on a practice and/or trend that he or she condemned, usually on the basis of unsportsmanlike conduct (*"ojägarmässig"*). Respondents were generally aware of the position of hunting in modern society, and the observation that "hunters are hunted" surfaced repeatedly in interviews. Negative events tended to be magnified in the media, it was argued, in large part because of the tenacity of animal rights organizations in "sensationalizing" hunting law transgressions. Although many respondents were optimistic toward the future of hunters owing to a growing popularity of back-to-nature hobbies, what was evident was that most hunters feared for the contaminating effect of certain types of hunting and certain types of hunters. Indeed, they expressed that its continued legitimacy rests on the behavior of hunters.

In what may surprise some, hunting is a context that despite its unenforceability of much regulation, is not characterized by lawlessness but by adherence to all manner of rules of conduct. We found it is a context of self-policing, social sanctions, rigidity to traditional rules and consistent with an honor code—or sportsman ethic. In this way, its relative self-containment and de facto autonomy seemed to pose higher demands on assiduity of conduct. A respondent noted "...you have to abide by the rules and practices of your hunting team" so as to not be excluded. At the same time, when asked about arenas for discussing hunting ethics, respondents often indicated there were no clear sites, but that such things came intuitively from one's hunting background, often from particular mentor figures in one's family or social network. When asked about arenas for discussing wildlife management practices, the situation was worse. Certain management schemes,

particularly concerning carnivores, it was contended, “...are simply never discussed. Nobody says anything,” and this was seen as a curiosity given their controversy. Our respondents tended to staunchly oppose unlawful hunting and declare poachers the scourge of the culture. In a majority of cases, hunters made attempts to de-label poachers as hunters so as to not taint the hunting establishment and by explaining that these were killers or criminals—who happened to be hunting.

Technical aids

The use of technical aids in hunting constituted one of the most pronounced sources of disagreement among the hunters we interviewed. Hunters who owned and hunted with hounds tended to be favorable toward the use of GPS, stating that it saved them a lot of time and trouble in locating coursing dogs after hunts. They connected this to canine safety concerns. Hunters without dogs were moderately more skeptical toward the popularity of GPS; some confirmed its benefits but a few respondents suggested preoccupation with this device could detract from the reality of the hunt. As several respondents contended, when you’re out there with wires and antennas coming out of every direction trying to ‘be one with nature’, technical aids should be used sparsely as every little thing detracts focus from the hunt. *“I don’t like [technical gears] because hunting is supposed to be simple. The reason I hunt is to evoke the primitive in me.”* More practically, some respondents criticized other hunters for abusing the GPS aid, intended to track dogs, for lazily tracking the movement of the game being chased.

Our respondents indicated the use of motorized vehicles in hunting was more common than one might anticipate. At the same time, all expressed criticism toward this and noted how this was a phenomenon that they had come across ‘in other hunting teams’, in other regions and similar. They referred to a practice of cutting the game off at strategic junctures by taking one’s pick-up truck or ATV. Within this they indicated that shooting or tracking from your vehicle was extremely frowned upon and a violation of fair chase, and sometimes associated with poaching practices, but that grey areas could potentially be discerned. For example, the old man with the bad legs was largely justified in parking his pick-up near where he would shoot the animal. Similarly, respondents suggested that one sometimes drove the car from point A to point B and walked a shorter distance to get to point C where the animal had been sighted.

Wildlife cameras for game surveillance represented a compelling discussion topic for many of the hunters we interviewed. As a technical aid to mount on your lands, such as near a

supplementary feeding station for wildlife, cameras are illegal without permits from the 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, hunters thought very little of the prohibition on surveillance. This 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).

Hunters suggested most people ignored the legal proscription and were themselves critical toward what they saw as a nonsensical privacy law interfering in hunting praxis. Because these cameras are mainly mounted on private land, moreover, many could not see a moral violation if a person was caught on camera – after all, he was transgressing on their land. Another dimension that promoted ambivalence toward the use of wildlife cameras was the recognition that as a technical aid, it could potentially make the hunt more ethical. Several respondents suggested wildlife cameras and the use of light for nocturnal game, first, enabled more responsible inventory of wildlife on one's land in terms of protecting a female boar who had a litter of piglets and ensuring the wrong individuals would not be targeted and, second, that spotlighting rifles by baiting stations – which is illegal – facilitated instant kills by reducing the risk of maiming the game.

Game allocation

Hunters receive an allocation for game animals at each season, which specify how many of each species and how many females, males, calves and point-bucks they can target. It is based on local and regional decision-making boards, for example at Älgskötselområdet, comprised by hunting representatives and forestry representatives, though private hunters are responsible for reporting inventory on the number of animals in the area.

Several respondents expressed criticism toward the platform that determines these quotas. Within this they contended that the boards are dominated by commercial interests like forestry, whose companies have disproportionate say on the ecology behind management strategies. In rare cases, hunters had shot extra animals mainly through carelessness. Most often one owned up to the transgression and accepted the legal consequences. Indeed, more than a legal violation, it was also seen as an “act of disrespect” toward one's hunting team. Hunters also often purposely shot fewer animals than on the official quota because they feared the board of the moose management area was out to decimate the moose population to save forestry. This reflects an entrenched

conflict between hunters and forest owners in Scandinavia (Blennow and Sallnäs, 2002; Wam et al., 2012). If they went ahead and shot valuable breeding individuals either by mistake or intent, hunters were socially sanctioned in their teams, often by their hunting leader. *"It's extremely frowned upon, otherwise you [snedbeskadda] the population"*.

Canned hunts and commodification

A number of respondents reflected on the artificial turn in hunting, comprising market hunting, game ranches, the trend of purchasing of hunting opportunity in hunting safaris and related fish-in-a-barrel practices. One respondent recalled the experience of 100-hectare hunting park full to the brim with meat animals. When it came time for a convalescent old bull to be euthanized, a specially engineered breed of meat animal from Poland, organizers decided to sell the hunting opportunity for a steep profit instead. He recalled the artificial set-up of this privilege to hunt:

"...they would herd this big hunk of a beast around, but secretly of course because the hunter was supposed to feel like he was doing some hunting, and then at the end when you got him moving in the right direction you were like 'ooh, there is, go get him."

Our respondents were critical toward this trend, dismissing it on account of its lack of sport, questionable animal ethics, its overemphasis on trophy kills, and its reduction of the hunt to a matter of shooting. Another respondent recalled from recent experience of wildlife safari that standards of ethics in these situations tended to be adapted to whatever client one was catering. In this way, when trophy hunters who cared very little for the animals in their wild habitat fronted the money, tour guides simply had to accommodate them. He argued that with the trend toward making hunting possible for even the mobility-impaired if they paid for the pleasure (Van de Pitte, 2003) ethics were stretched to their breaking point. The issue was raised by other respondents in regard to the situation in Sweden.

Nevertheless, a few respondents saw commodification of hunting and artificially propagated game becoming a stronger trend in modernity, and some had enjoyed hunting safaris abroad. They attributed the increase in this trend to two reasons. First, the increasing cost of hunting land which would promote one-off costs for hunting experiences. Second, hectic pace of modern living

imposed time restraints where hunters needed to maximize kills once in the field. This led some respondents to suggest that expensive land leases, particularly in the south of Sweden, engendered a certain type of ethic that was more maximizing of yields. Another hunter suggested illegal hunting would increase owing to rising costs associated with hunting.

Hunting under the influence

Finally, with the aim of deducing how discipline and informal enforcement might work in teams, we approached our respondents with the issue of alcohol in hunting. Older hunters highlighted that alcohol in hunting has decreased significantly in their generation. Most expressed a zero tolerance policy toward alcohol before or during the hunt. A few had experience of scenarios where such ethics were stretched, many from international contexts, and some from backward redneck hunters during the annual moose hunt. The latter has always been something of a celebratory affair for hunters, and alcohol has traditionally featured (Gunnarsdotter, 2005).

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 entirely being the purview of the leader and not one's place to interfere. If this was a repeated offense, however, the hunter could usually expect to lose his place in 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. The transgression 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.

Analysis

What seemed clear from our findings was that hunters were careful in how they presented themselves, and wanted to ensure they hunted in a way that had the moral stamp of approval. Even after rigorous efforts to create a relaxed atmosphere conducive to reflections and anonymous critique, in part by creating a shared positionality with the respondent through the interviewers' hunting backgrounds (Mullings, 1999), impression management featured strongly in the interviews.

Acquiring a moral stamp as a hunter was socially important to be included in teams and to be invited along for other hunts; it was ethically the right thing to do at a time when technical shortcuts could turn hunting into a video game, and, finally, it was imperative to project a virtuous character to the rest of society. Indeed, the reasoning was that the more they mess up and make bad choices, the less freedom and the more restrictions await them.

The level of discord we encountered, however, reflects the supposition that ethical standards are not canonical within the hunting culture. Furthermore, it is uncontroversial to hold that assessments of fair chase remain squarely in the realm of opinion – and are therefore in theory subject to deliberation and ongoing contestation even among hunting teams – until they cross into legality. But hunters recognized a danger to consecrating proscriptions into formal institutions because to do so exempted them from discussion and contestation. As our findings showed, the legal domain sometimes comprised ‘ridiculous’ rules and stipulations that hunters either navigated around or violated anyway, like the wildlife surveillance prohibition, high local quotas on moose harvests, or the fact that alcohol consumption was technically legal during hunting, thereby requiring social enforcement anyway.

An interesting correlation we noted was that the hunters who prided themselves on their ethical standards of fair chase often vehemently opposed the commodification of hunting. Such hunters were not true hunters and the development was a taboo. This is a common refrain within hunting scholarship, where Leopold (1946), Ortega y Gasset (1972) and Loftin (1984) are especially pronounced critics of artificial hunts. Indeed, Loftin (1984) terms it “*The single most alarming trend in hunting today*” (p. 249) toward which the most effective weapon is ridicule. Equally, hunting defender Causey (1989) argues that it turns wildlife managers into brokers and shooters and sport hunters into clients who purchase the commodity. Critical scholars liken game ranches to slaughterhouses (Pauley, 2003), brothels (Causey, 1992) and noisy, tacky video games or amusement parks (Petersen, 2000).

Insofar as one opposes commodification based on an ethic of fair chase, there is a dilemma. Namely, in terms of animal welfare, there may be little morally wrong with game ranches from an animal welfare point of view, particularly when compared to grisly natural hunts. If game ranches attract the trophy-at-all-cost hunter (Simpson & Cain, 2000) who values efficiency over sport and prefers shortcuts, then by parity of reasoning this hunter might achieve a quicker and ultimately more honest kill by getting in and out (Gunn, 2001). He does not spend hours stalking his prey, causing it undue stress, and have it running for hours on end displacing it from its kin and habitat. Consider Marvin (2003)’s example from sportsmanship and efficiency clashing in the case of an

English fox hunt. Hunters declared their hounds efficient killing of the fox “a waste” that did away with any contest or challenge by occurring so instantaneously. Indeed, the hunt was declared devoid of “interest and excitement” (p.55) because the fox was killed as an unknown animal with whom no relationship had been developed during the hunt following dramatic turns, deception or prolonged chase. From an ecological perspective, scholars have also determined that trophy hunting in game ranches can serve as a valuable tool for conservation (Bunnefeld et al., 2013; Lindsey et al., 2007). This is conceded by stalwart hunting defenders Causey (1989) and Posewitz (1994), who permit that the quantifiable benefits of game ranches may outweigh its costs.

Van de Pitte (2003) comes close to putting her finger on the issue when she identifies that the moral duties of hunting appear to center on respecting property rights, on not endangering residents or offending others’ sensibilities by inappropriate displays of the quarry rather than anything else. Hence, the proviso of freedom with responsibility, which as contended naturally begs the question: *responsibility to whom*, is clarified. Bag limits are followed, first and foremost, so that others can enjoy the sport. Van de Pitte’s conclusions suggest that the ethic of fair chase has an anthropocentric and social component rather than a species egalitarian one. The ethical standard to which fair chase is held is that it promotes courage, self-reliance, skill and honor – among humans.

Of course, the potentially anthropocentric origin of fair chase does not preclude the ethic from having subsumed genuine sensitivity to animal welfare to a greater degree today. This is affirmed by Samuel (1999) and Scruton (2009) who note that piety toward works of nature has gradually infused the fair chase ethic. Indeed, in the US, Boone & Crocket’s definition of fair chase specifies that practices are both legal *and* ethical. This would seem to indicate that fair chase is held to a higher standard than the two; it subsumes both. That fair chase encompasses several spheres, including hunting ecologically informed, socially tolerant and ethically toward sentient animals surfaces elsewhere (Simpson and Cain, 2000). Arnold (1983) demarcates three dimensions to sportsmanship; as a form of social union; as a means in the promotion of pleasure and as a form of altruism. It is, however, much to ask of the hunter as these three dimensions demonstrably sometimes conflict, making an internal dialectic difficult to maintain.

Final discussion

Our premise was that disharmony between cultural, moral and legal rules engendered dilemmas for hunters in their everyday praxis. The dilemma between honoring fair chase and maximizing hunting

efficiency appeared as the leading source of tension. With this, we argued that much moral conscience and social enforcement is required of hunters. What can we reasonably make of the occurrence of these abovementioned dilemmas? On the one hand, the presence of individual reflection on hunting and animal welfare should be regarded as a strength of the hunting culture. Indeed, Leopold (1946) argued hunting ethics – particularly the ethic of fair chase – should not be *a priori* fixed, but be formulated and practiced by the individual in embodied experiences. The relatively high degree of autonomy and willingness to create their own ethical praxis within and just outside of the legal realm suggests hunters are cognizant of the seriousness of their practices and can spot unjust rules. While such behavior has been cynically traced to a pursuit of the public's moral stamp of approval, revalidated by our respondents, it does not debar hunters from genuinely seeking to honor fairness and animal rights in their hunting practices and becoming reflexive.

On the other hand, the foregoing findings testify that it may be undesirable when such needed moral deliberation is predominantly confined to the individual. The hunting associations' proviso "freedom with responsibility" may pose an attractive alternative to the bureaucratization of hunting and was demonstrably popular to many hunters. Nevertheless, the absence of such rules manifestly imposes high demands of reflexivity hunters as individuals and as a collective. One respondent suggested the pressure should be placed on knowledge and education in ensuring proper conduct. Our results, however, indicate that in practice it is not education that gets to shoulder this burden, but means the informal institution of self-policing. While laudably optimistic about the capacity of citizens to deliberate conscientiously and among their peers in private settings, an aversion to regulation has also meant that hunting culture has been bereaved of a public culture in which citizens can deliberate. Indeed, consistent with our normative premise, this lifeworld platform is required to substantively legitimate law as an institution. However, there is no praxis or platform associated with raising common issues in hunting ethics because it may, unhelpfully, be seen as encroaching on the private autonomy of hunters.

If we tie this more explicitly to Habermas' discourse theory, we find both private and public autonomy are sought in societal issues. Absence of the latter has the following implications, as intimidated by our findings: first, hunting has become a private and largely individual matter whose premises and practices remain undebated in public settings within the hunting establishment. At best, discussions may arise within hunting teams but are generally scarce or at the discretion of the hunting leader. As revealed by hunters' experiences of wildlife safari, the individual's hunting ethics

could also be *transactionally* imposed on the hunt through a fee, bypassing any deliberative stage (Habermas, 1984). Similarly, high costs of leasing hunting land in some parts of Sweden imposed a certain ethic of maximizing yields. Second, the lack of a public hunting culture leaves hunting questions to the mercy of the informal institution of tradition. Tradition, moreover, bypasses citizens' critical faculties that are required when adjudicating moral dilemmas (Rostbøll, 2008). Indeed, the "*way in which it has always been done*" left a potent legacy that hunters wrestled with while trying to reconcile hunting with a modern mindset. In the case where hunting decisions are institutionalized, as in the case of the moose management areas, the situation was little better given that common questions were turned into private interests to be resolved by representatives of commercial interests. Needless to say, this forum does not represent a satisfactory public rendition of common questions for hunters, as was readily demonstrated in deviations from and disapproval of quotas from this platform.

There may be self-evident reasons why public deliberations are not sought by hunters today. First we argued that it was seen as interfering with one's private autonomy and, perhaps, status as self-reliant hunter. Second, it is important to note that hunting needs to carefully negotiate its legitimacy in modern society (Peterson, 2004). To invite critical discussions, therefore, is tantamount to opening up for a representation that may appear fragmented, messy and self-critical to the non-hunting public. This opens the floodgates for further criticisms, potentially from an uncontrollable outside public. Substantiated by our findings, certain things, it was contended, "*...there is no point to bring to the public because all they do is provoke [...] you have to be very careful when you voice opinions*". Unwillingness to publically engage in discussions on norms has the effect of resigning them to the shackles of tradition, for good and bad.

We contend fora are needed that permit the ventilation of thorny issues, fora that harnesses the often profound reflexivity we encountered in the hunting community. The call came from a few of our respondents (as one asked: "*Why don't we put together some sort of joint forum so we can collaborate and find common ground in these questions?*"), but arguably is a direction revealed by Habermasian analysis. In particular, a critical public discussion is needed on the practices that are caught in the crossfire between fair chase and efficiency, as this is manifestly divisive and threatens the representation of hunting. One might anticipate the counter-argument; namely, because hunting is a game, lusory rules are off-limits to critical public discussions. They are, simply, part of an internal logic of hunting. This argument becomes difficult to substantiate. For one, as Cohen

(2003) posits, the rules that prima facie qualify hunting as a sport were enacted to protect hunters, and not part of any coherent design created by its inventors. They are hence changeable, and such rules even when they concern games and private associations demand rational, moral deliberation (Wade, 1996, Rawls, 1999). Second, as we show, hunting needs to justify itself also based on instrumental values in terms of efficiency.

Conclusion

Hunting in Sweden is characterized by a dense undergrowth of norms on right and wrong, which are undergoing change. The paper found that there appears to be absence of a hunting culture platform where norms and ethics can be publically deliberated and which can validate regulation. In light of this public deficit, we declared that the coordination of hunting behavior detaches from public fora and becomes a private matter. In this setting, we faced four forces that had a determining impact on hunting ethics and rules. First, moral conscience had to shoulder a heavy burden behind decisions. Second, cultural continuity and tradition were looked to, sometimes uncritically, as guiding points. Third, ethics became contingent on economic costs, whereby high prices for canned hunts and for leases was speculated by hunters to incur an indiscriminate maximization ethic (to get one's dollar's worth) and potentially promote illegal hunting respectively. Fourth, hunting practices (quotas) were determined, in part, by business interests.

In our Habermasian socio-legal perspective, it is striking to see the state and the market have emerged to coordinate action in place of public processes. Indeed, we found that failure to navigate these forces in the private sphere meant that gossip, slander and informal sanctions became important means of self-policing within the hunting community. While critical toward hunting becoming a private matter, we did not suggest increased detail regulation be the way forward. Rather, we suggested the domains need to inform each other through discursive legitimation. Only then can one achieve effective crime control that is consistent with people's internalized and cultural sense of what is acceptable conduct. In so doing, the legal can be validated by cultural praxis of democracy in which deliberation is informed by norms and ethics.

References

- Adams, C.J. 1993. *Ecofeminism and the Sacred*. New York: Continuum.
- Arnold, P.J. 1983. "Three Approaches Toward an Understanding of Sportsmanship." *Journal of the Philosophy of Sport* no. 10 (1):61-70.
- Baker, R. 1985. *The American Hunting Myth*. New York: Vantage Press.
- Bisi, J., and Kurki, S. 2008. The wolf debate in Finland expectations and objectives for the management of the wolf population at regional and national level. Seinäjoki, University of Helsinki.
- Bisi, J.K.S. 2008. *The wolf debate in Finland expectations and objectives for the management of the wolf population at regional and national level*. Seinäjoki: University of Helsinki.
- Blennow, K., and Sallnäs, O. 2002. "Risk Perception Among Non-industrial Private Forest Owners." *Scandinavian Journal of Forest Research* no. 17 (5):472-479. doi: 10.1080/028275802320435487.
- Boddice, R. 2008. "Manliness and the "Morality of Field Sports": E. A. Freeman and Anthony Trollope, 1869–71." *Historian* no. 70 (1):1-29. doi: 10.1111/j.1540-6563.2008.00201.x.
- Bryman, A. 2004. *Triangulation and measurement*. Loughborough: Loughborough University.
- Bunnefeld, N., Edwards, C.T.T., Atickem, A., Hailu, F., and Milner-Gulland, E.J. 2013. "Incentivizing Monitoring and Compliance in Trophy Hunting." *Conservation Biology* no. 27:1344-1354. doi: 10.1111/cobi.12120.
- Cahoone, L. 2009. "Hunting as a Moral Good." *Environmental Values* no. 18 (1):67-89. doi: 10.3197/096327109X404771.
- Callicott, J.B. 1999. *Beyond the Land Ethic: More Essays in Environmental Philosophy, SUNY series in Philosophy and Biology*. SUNY Press.
- Causey, A.S. 1989. "On the morality of hunting." *Environmental Ethics* no. 11 (4):327-343.
- Causey, A.S. 1992. "On sport hunting as an instinct." *Environmental Ethics* no. 14 (4):377-378.
- Cohen, J.A. 2003. "Is Hunting a Sport?" *International Journal of Applied Philosophy* no. 17 (2):291-326.
- Crow, M.S., Shelley, T.O.C., and Stretesky, P.B. 2013. "Camouflage-Collar Crime: An Examination of Wildlife Crime and Characteristics of Offenders in Florida." *Deviant Behavior* no. 34 (8):635-652. doi: 10.1080/01639625.2012.759049.
- Curnutt, J. 1996. "HOW TO ARGUE FOR AND AGAINST SPORT HUNTING." *Journal of Social Philosophy* no. 27 (2):65-89. doi: 10.1111/j.1467-9833.1996.tb00238.x.
- Eliason, S.L. 2004. "Accounts of Wildlife Law Violators: Motivations and Rationalizations." *Human Dimensions of Wildlife* no. 9 (2):119-131. doi: 10.1080/10871200490441775.

- Emerson, R.W. 1841. "Self-Reliance." In *Essays: First Series*.
- Folkbladet. 2015. *Kamera vid åtel ledde till åtal* [Web article]. Folkbladet 2011 [cited February 2015]. Available from <http://www.folkbladet.nu/224418/kamera-vid-atel-ledde-till-atal>.
- Gangaas, K.E., Kaltenborn, B.P., and Andreassen, H.P. 2013. "Geo-Spatial Aspects of Acceptance of Illegal Hunting of Large Carnivores in Scandinavia." *PLoS ONE* no. 8 (7):e68849. doi: 10.1371/journal.pone.0068849.
- Gavin, M.C., Solomon, J.N., and Blank, S.G. 2010. "Measuring and Monitoring Illegal Use of Natural Resources
Medición y Monitoreo del Uso Ilegal de Recursos Naturales." *Conservation Biology* no. 24 (1):89-100. doi: 10.1111/j.1523-1739.2009.01387.x.
- Gezelius, S.S. 2002. "Do Norms Count? State Regulation and Compliance in a Norwegian Fishing Community." *Acta Sociologica* no. 45 (4):305-314. doi: 10.2307/4194948.
- Gunn, A.S. 2001. "Environmental ethics and trophy hunting." *Ethics and the Environment* no. 6 (1):68-95.
- Gunnarsdotter, Y. 2005. *Från arbetsgemenskap till fritidsgemenskap. Den svenska Landsbygdens omvandling ur Locknevis perspektiv*. Doctoral, Urban and Rural Development, Swedish University of Agricultural Sciences, Uppsala.
- Gutiérrez, R.J., Howard, R.A., Jr., and Decker, D.J. 1979. "Hunting Ethics, Self-Limitation, and the Role of Succinylcholine Chloride in Bowhunting." *Wildlife Society Bulletin* no. 7 (3):170-172. doi: 10.2307/3781758.
- Habermas, J. 1984. *The Theory of Communicative Action, vol. 1: Reason and the Rationalisation of Society*. Cambridge: Polity Press.
- Heberlein, T.A. 1991. "Changing Attitudes and Funding for Wildlife: Preserving the Sport Hunter." *Wildlife Society Bulletin* no. 19 (4):528-534. doi: 10.2307/3782168.
- Hettinger, N. 1994. "Valuing predation in Rolston's environmental ethics: Bambi lovers versus tree huggers." *Environmental Ethics* no. 16 (1):3-20.
- Holsman, R. 2000. "Goodwill hunting? Exploring the role of hunters as ecosystem stewards. ." *Wildlife Society Bulletin* no. 28 (4).
- Janoski, T. 1998. *Citizenship and Civil Society: A Framework of Rights and Obligations in Liberal, Traditional, and Social Democratic Regimes*. Cambridge University Press.
- Kellert, S. 1978. Characteristics and attitudes of hunters and anti-hunters. Paper read at North American Wildlife & Natural Resources Conference.

- Kheel, M. 1995. "License to Kill: An Ecofeminist Critique of Hunters' Discourse." In *Animals and Women: Feminist Theoretical Explorations*, edited by C.J. Adams and J. Donovan. Durham, N.C.: Duke University Press.
- King, R.J.H. 1991. "Environmental Ethics and the Case for Hunting." *Environmental Ethics* no. 13 (1):59-85.
- Knezevic, I. 2009. "Hunting and Environmentalism: Conflict or Misperceptions." *Human Dimensions of Wildlife* no. 14 (1):12-20. doi: 10.1080/10871200802562372.
- Krange, O., and Skogen, K. 2007. "Reflexive tradition: Young working-class hunters between wolves and modernity." *Young* no. 15 (3):215-233. doi: 10.1177/110330880701500301.
- Leopold, A. 1946. *A Sand County Almanac*. Oxford University Press.
- List, C.J. 1998. "On the Moral Significance of a Hunting Ethic." *Ethics and the Environment* no. 3 (2):157 - 175.
- Loftin, R. 1984. "The morality of hunting." *Environmental Ethics* no. 6.
- Luke, B. 1997. "A Critical Analysis of Hunters' Ethics." *Environmental Ethics* no. 19 (1):25-44.
- Magnussen, A.-M., and Banasiak, A. 2013. "Juridification: Disrupting the Relationship between Law and Politics?" *European Law Journal* no. 19 (3):325-339. doi: 10.1111/eulj.12026.
- Marvin, G. 2003. "A passionate pursuit: foxhunting as performance." *The Sociological Review* no. 51:46-60. doi: 10.1111/j.1467-954X.2004.00450.x.
- Marvin, G. 2007. "English Foxhunting: A Prohibited Practice." *International Journal of Cultural Property* no. 14 (03):339-360. doi: doi:10.1017/S0940739107070221.
- Marvin, G. 2013. "Challenging animals – project and process in hunting." In *Nature and Culture: Rebuilding Lost Connections*, edited by PilgrimS and J.N. Pretty, 145-160. Routledge.
- Mockus, A. 2003. Do constitutions constrain? Legal, moral and cultural self-bindings to prevent shortcuts. In *Symposium Constitutions, democracy and the rule of law*. Columbia University.
- Moriarty, P., and Woods, M. 1997. "Hunting (not equal to) Predation." *Environmental Ethics* no. 19 (4):391-404.
- Morris, S.P. 2013. "Challenging the values of hunting: fair chase, game playing and intrinsic value." *Environmental Ethics* no. 35 (3):295-311. doi: 10.5840/enviroethics201335327.
- Mullings, B. 1999. "Insider or outsider, both or neither: some dilemmas of interviewing in a cross-cultural setting." *Geoforum* no. 30 (4):337-350. doi: [http://dx.doi.org/10.1016/S0016-7185\(99\)00025-1](http://dx.doi.org/10.1016/S0016-7185(99)00025-1).
- O'Leary, J.T., and Harmon, P.W. 1979. "Using Recreation Consumer Data in Developing Wildlife Management Strategies." *Wildlife Society Bulletin* no. 7 (2):98-103. doi: 10.2307/3781541.

- Ortega y Gasset, J. 1972. *Meditations on Hunting*. Charles Scribner & Sons.
- Pauley, J.A. 2003. "The value of hunting." *Journal of Value Inquiry* no. 37 (2):233-244.
- Paulson, N. 2012. *The place of hunters in global conservation advocacy*. Vol. 10.
- Petersen, D. 2000. *Heartsblood: Hunting, Spirituality and Wildness in America*. Washington D.C.: Island Press / Shearwater Books.
- Peterson, D. 2000. *Heartsblood: Hunting, Spirituality, and Wildness in America*. Boulder: Johnson Books.
- Peterson, M.J. 2001. "Northern Bobwhite and Scaled Quail Abundance and Hunting Regulation: A Texas Example." *The Journal of Wildlife Management* no. 65 (4):828-837. doi: 10.2307/3803032.
- Peterson, M.N. 2004. "An approach for demonstrating the social legitimacy of hunting." *Wildlife Society Bulletin* no. 32 (2):310-321. doi: 10.2193/0091-7648(2004)32[310:AAFDT5]2.0.CO;2.
- Pohja-Mykrä, M., and Kurki, S. 2014. "Strong community support for illegal killing challenges wolf management." *European Journal of Wildlife Research* no. 60 (5):759-770. doi: 10.1007/s10344-014-0845-9.
- Posewitz, J. 1994. *Beyond Fair Chase : The Ethic and Tradition of Hunting*. Falcon.
- Rostbøll, C.F. 2008. *Deliberative freedom: Deliberative Democracy as Critical Theory*. Albany: State University of New York Press.
- Rubin, H., and Rubin, I. 2011. *Qualitative Interviewing: The Art of Hearing Data*. Third ed: SAGE Publications.
- Shepherd, P. 1996. *The Others: How Animals Made Us Human*. Washington D.C.: Island Press.
- Simpson, S.V., and Cain, K.D. 2000. "Recreation's Role in the Environmental Ethics Dialogue: The Case of Aldo Leopold and the Morality of Hunting." *Leisure/Loisir* no. 25 (3-4):181-197. doi: 10.1080/14927713.2000.9649916.
- Suits, B. 2005. *The Grasshopper: Games, Life and Utopia*. Broadview Press.
- Swan, J. 1995. *In Defense of Hunting*. New York: Harper Collins.
- Svendsen Bjørkdahl, K. 2005. *The Wild Ember Within: A Study of the Hunting Ethos in Norway and the U.S.A.*, Centre for Development and the Environment, University of Oslo, Blindern.
- Wall, T., and McClanahan, B. 2015. "Weaponizing conservation in the 'heart of darkness': the war on poachers and the neocolonial hunt." In *Environmental Crime and Social Conflict Contemporary and Emerging Issues*, edited by A. Brisman, R. White and N. South. Ashgate.

- Wam, H.K., Pedersen, H.C., and Hjeljord, O. 2012. "Balancing hunting regulations and hunter satisfaction: An integrated biosocioeconomic model to aid in sustainable management." *Ecological Economics* no. 79 (0):89-96. doi: <http://dx.doi.org/10.1016/j.ecolecon.2012.04.022>.
- Van de Pitte, M. 2003. "The Moral Basis for Public Policy Encouraging Sport Hunting." *Journal of Social Philosophy* no. 34 (2):256-266. doi: 10.1111/1467-9833.00179.
- Vitali, T. 1990. "Sport hunting: Moral or immoral." *Environmental Ethics* no. 12 (1):69-82.
- von Essen, E., Hansen, H.P., Nordström Källström, H., Peterson, M.N., and Peterson, T.R. 2014. "The radicalisation of rural resistance: How hunting counterpublics in the Nordic countries contribute to illegal hunting." *Journal of Rural Studies*. doi: <http://dx.doi.org/10.1016/j.jrurstud.2014.11.001>.