

Protecting wolves in anthropocentric landscapes: some reflections on the entanglement of wolves, humans, and laws

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Abstract

As an important factor in the return of the wolves across the continent, the legal protection of wolves in Europe has often been heralded as a success. The reappearance of wolves in landscapes from which they have been extinct for a long time has however resulted in new challenges for this legal protection. As the populations have increased, so have the conflicts with, as well as between, humans. By picturing the legal protection of wolves as co-produced by wolves, humans, laws, and other bodies in the landscape, this article shows how aversions towards wolves merge with larger political discourses that creep up on the wolves in the laws as well as in the forests. As discussed in this article, it is not always certain that stricter laws lead to stronger protection of the wolves. Having situated the laws within the landscapes where they are supposed to function, the paper concludes by discussing some challenges this poses for animal law and visions of a post-anthropocentric legal system in general. The article focuses specifically on the wolf conflicts in Sweden and its neighboring countries. The analysis of these local conflicts might serve as an example of the complexities inherent in these kinds of conflicts concerning large carnivores in general.

1. Introduction

After having been extirpated from large parts of Europe, wolves have made a remarkable comeback to the continent in the last fifty years. Between 2012 and 2023 the wolf populations in the European Union (EU) grew from approximately 11 000 individuals to around 20 000 and they are now present in most member states.¹ The wolves' legal protection, not least through the Bern convention and the EU Habitats Directive, has been an important factor in facilitating their return.² However, the

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¹ Juan Carlos Blanco and Kerstin Sundseth, *The Situation of the Wolf (Canis lupus) in the European Union – An In-depth Analysis. A Report of the N2K Group for DG Environment* (European Commission 2023).

² Arie Trouwborst, 'Living with Success—and with Wolves: Addressing the Legal Issues Raised by the Unexpected Homecoming of a Controversial Carnivore' (2014) 23 *European Energy and Environmental Law Review* 89.

reappearance of wolves in landscapes in which they have been extinct for a long time has resulted in new challenges.³ As the populations have increased, so have the conflicts both with and among humans and it is the outcomes of these conflicts that pose the most severe threats to the wolves at present. In Scandinavia, illegal hunting has a direct connection to dissent from current wolf policies in certain social spheres. For years a more general political momentum, in Scandinavia as well as in the EU, has also been built to weaken the wolves' legal protection, culminating with the EU's recent initiative to attempt to change the wolves' status in the Bern convention.⁴

By picturing the legal protection of wolves in Sweden as co-produced by wolves, humans, laws, and other bodies in the landscape, I in this article explore how aversions towards wolves merge with larger political discourses that creep up on the wolves in the laws as well as in the forests.⁵ Having situated the laws within the landscapes in which they are supposed to function, I then discuss some challenges this poses for animal law and visions of a post-anthropocentric legal system in general. As the polycrises of the Anthropocene escalates it seems plausible that we need paradigmatic post-anthropocentric shifts in our legal systems in order to organize our landscapes in a more just and sustainable way.⁶ However, due to the entanglement of wolves and humans in anthropocentric landscapes, wolves' wellbeing is often reliant on the outcome of human-human conflicts.⁷ Analyses and research from anthropocentric perspectives might therefore still be of importance in the process of enhancing the legal protection of wolves.

³ Ibid.

⁴ Council Decision 2024/2669 of 26 September 2024 on the submission, on behalf of the European Union, of a proposal for the amendment of Appendices II and III to the Convention on the conservation of European wildlife and natural habitats and on the position to be adopted, on behalf of the Union, at the 44th meeting of the Standing Committee to that Convention [2024] OJ L 2024/2669. Further discussed in section 2.3 below.

⁵ The analysis of the wolf conflicts in Sweden and its neighbouring countries serves as an example of the complexities imbued in these kinds of conflicts concerning large carnivores in general.

⁶ See e.g. Floor Fleurke and others, 'Constitutionalizing in the Anthropocene' (2024) 15 *Journal of Human Rights and the Environment* 4.

⁷ While an anthropocentric perspective has humans and their interests as the focal point, non-anthropocentric perspectives, such as zoo-centric or ecocentric perspectives, takes a normative starting point which does not give the human a privileged status as a moral agent. In post-anthropocentric perspectives, centrality as such is transcended as a consequence of the collapse of the nature/culture-distinction and the insight that humans are entangled in nature. See e.g. Karen Malone and Vivienne Bozalek 'Post-Anthropocentrism' in Karin Murris (ed) *A Glossary for Doing Postqualitative, New Materialist and Critical Posthumanist Research Across Disciplines* (Routledge 2021).

As a theoretical starting point, I consider law as something emanating from the interactions of entangled bodies in the landscape.⁸ A landscape is a concept denoting the arena where everything happens.⁹ It “departs from the interface between the temporal and the spatial dimensions of reality and emphasizes continuity and interconnectedness of material and nonmaterial objects and processes”.¹⁰ The landscape itself is co-produced through rhizomes of the different bodies and processes that dwell in it. Law is hence co-produced in the landscape by what is often seen as legal material such as regulations, legal procedures, and legal institutions, as well as other bodies such as communities, norms, relations between humans, non-human animals, eco-systems, forests, and so on.

In this theoretical framework, I consider wolves not only as bodies whose actions have consequences for law, but also as bodies so deeply involved with legal matter that they ought to be considered as acting within, and co-producing, law.¹¹ Wolves’ actions such as attacking livestock, appearing in a threatening way, or just wandering around, contribute to shape legal processes concerning protective and licensed hunting as well as the process of lawmaking itself.¹² The wolves’ actions and presence also contribute to shape the meaning of laws and to influence the general understanding of what legal

⁸ Gustav Stenseke Arup, *Entangled Law: A Study of the Entanglement of Wolves, Humans, and Law in the Landscape* (Doctoral dissertation, Karlstad University 2021).

⁹ My use of landscape as a concept relies on the Swedish human geographer Torsten Hägerstrand’s work. See e.g. Torsten Hägerstrand, ‘Landet som trädgård [The Land as a Garden]’ in Bo Heurling (ed) *Naturresurser och landskapsomvandling: Rapport från ett framtidsseminarium* [Natural Resources and Landscape Transformation: Report from a Seminar on the Future] (Stockholm: Bostadsdepartementet and Forskningsrådsnämnden 1988). It is a concept with a winding history, particularly within human geography, see e.g. Jessica Dubow, ‘Landscape’ in Rob Kitchin and Nigel Thrift (eds) *International Encyclopedia of Human Geography* (Elsevier 2009). For a thorough overview of the uses of landscape in legal scholarship, see Caroline Adelaide Buffery, *Changing Landscapes: A Legal Geography of the River Severn* (Doctoral dissertation, University of Birmingham 2016).

¹⁰ Marie Stenseke, ‘Diorama—An Opening for Addressing the Global Challenges’ (2023) 114 *Tijdschrift voor economische en sociale geografie* [Journal of Economic and Human Geography] 212.

¹¹ For a similar account of non-human animals as a kind of agents, see e.g. Irus Braverman, ‘Animal Mobilelegalities: The Regulation of Animal Movement in the American City’ (2013) 5 *Humanimalia* 104; Sanna Ojalampi and Nicholas Blomley, ‘Dancing with Wolves: Making Legal Territory in a More-than-Human World’ (2015) 62 *Geoforum* 51. See also Floris de Witte, ‘Where the Wild Things Are: Animal Autonomy in EU Law’ (2023) *Common Market Law Review* 391.

¹² See Stenseke Arup (n 8). Wolves’ actions are always mentioned when motivating legal hunting of wolves. Also in Swedish elections, particularly in 2006 and 2022, wolves were a recurrent theme in the debates. The argument here is simple: if wolves would be, for example, a herbivore, their contribution to law would be different from the current situation.

protection is.¹³ Wolves moreover influence the effects of the laws and their general expediency.¹⁴ However, the actions of the wolves are always filtered through various human discourses and entangled in assemblages of other bodies and phenomena in the landscapes. In one of these assemblages, which I focus on in this paper, the biological wolf is entangled in an especially toxic mesh of human discourses which I call *the bad wolf*.¹⁵ This is a particularly important assemblage in which the wolves merge with a general resentment against a perceived attack on a rural lifestyle, which for some comes to define the wolves' actions.

2. Wolves, laws and humans in shared landscapes

2.1 Background

Wolves have been present in Scandinavia since the last ice age and in Sweden they have been a legal matter since the earliest written laws that we know of.¹⁶ The *Äldre Västgötalagen* (the Elder Westrogothic law), written in the 13th century, and the slightly newer *Yngre Västgötalagen* (the Younger Westrogothic law), written approximately half a century later, imposed duties on each man living in the county Västergötland to build wolf traps and participate in seasonal wolf hunts.¹⁷ In the following centuries, similar duties continued to be expressed in various legislations in Sweden.¹⁸ From the 16th century the techniques used to hunt the wolves evolved, which initially led to a decrease in the population of wolves.¹⁹ In the following century queen Kristina initiated what Roger Bergström and others has called “the wolf war” in which all people were expected to participate in recurring wolf hunts.²⁰ Despite these efforts, the population of wolves grew and reached a peak in the beginning of the 19th century. According to Hans-Ove Larsson, the increase correlated with an increase in cattle on which the wolves preyed.²¹ In the 19th and 20th century, the wolf-hunting had become

¹³ Ibid. This means that wolves not only contribute to shape laws and processes, their actions also influence how the laws and processes are understood in society.

¹⁴ Ibid. That is, the expediency of a legal measure is dependent on how the wolves act.

¹⁵ See section 2.2.

¹⁶ Jens Persson and Håkan Sand. *Vargen: viltet, ekologin och människan* [The Wolf: Wildlife, Ecology, Humanity] (Svenska jägareförbundet 1998) 8.

¹⁷ *Yngre Västgötalagen* [the Younger Westrogothic law], *Förnämelsebalken* p 46.

¹⁸ Hans-Ove Larsson, *Varg* [Wolf] (Natur och kultur 1988).

¹⁹ Ibid.

²⁰ Roger Bergström and others, ‘The Wolf War in Sweden during the Eighteenth Century – Strategies, Measures and Leaders’ in Patrick Masius and Jana Sprenger (eds) *A Fairytale in Question: Historical Interactions between Humans and Wolves* (The White Horse Press 2015).

²¹ Larsson (n 18).

efficient enough to eradicate the wolves from the Swedish landscapes.²² After 1870, very few wolves existed in the southern part of Sweden and in the 20th century wolves were almost only found in the northern parts of Sweden.²³ In the 1970s, despite becoming legally protected in 1966, they were practically extinct.²⁴ In the 1970s and 1980s, however, a great many wolves were reported to have crossed the Finnish-Soviet border (as many as 1250 only in 1977).²⁵ These wolves then spread further into Sweden and Norway, and in the early 1980s there were several verified reports of wolves present in the Swedish county Värmland and its adjacent Norwegian county Hedmark.²⁶ In 1983, six wolves were born in this region, establishing, with their parents, the first verified wolf pack in this part of southern Scandinavia in over a century.²⁷ This South Scandinavian wolf population then remained around 10 individuals for the rest of the decade, but started to increase in the 1990s. In 2024 the South Scandinavian population amounted to around 440 individuals, of which around 375 were belonging to the Swedish sub-population and 65 to the Norwegian.²⁸

The return of the wolves in Scandinavia is part of a general European trend that is affected by several factors.²⁹ One factor has been broad changes in land use, due to extensive human migration from rural to urban areas all over Europe.³⁰ Forests have replaced previously deforested areas, thereby creating viable habitats for both herbivores and carnivores. The migration of people from rural to urban areas has also decreased the impact of large carnivores on people, which has in turn reduced the

²² Ibid.

²³ Ibid.

²⁴ Kunglig Majestäts kungörelse [Royal Majesty's Proclamation] 1966:283.

²⁵ Statens Offentliga Utredningar [Swedish Government Official Reports] 1999:146, 63.

²⁶ Persson and Sand (n 15) 17-23. See also Åke Aronson and Håkan Sand, 'Om vargens utveckling i Skandinavien under de senaste 30 åren' [On the Development of the Wolves in Scandinavia over the Last 30 Years] (2004). In Gunnar Jansson, Christina Seiler and Henrik Andrén (eds) *Skogsvilt III: Vilt och landskap i förändring* [Forest Wildlife III: Wildlife and Landscapes in Transformation] (Sveriges lantbruksuniversitet: Viltskadecenter 2004) 47-53.

²⁷ Ibid.

²⁸ Petter Wabakken and others 'Inventering av varg vintern 2023-2024' [Assessment of the Population of Wolves in the Winter of 2023-2024]. (2024) 1 Beståndsstatus för stora rovdjur i Skandinavien.

²⁹ Luigi Boitani and others. *Assessment of the Conservation Status of the Wolf (Canis lupus) in Europe* (Prepared for the Berne Convention on the Conservation of European Wildlife and Natural Habitats and the Council of Europe, Strasbourg 2022).

³⁰ Luigi Boitani and John DC Linnell, 'Bringing Large Mammals Back: Large Carnivores in Europe' in Henrique M Pereira and Laetitia M Navarro (eds), *Rewilding European Landscapes* (Springer International Publishing 2015); Marta Cimatti and others, 'Large Carnivore Expansion in Europe Is Associated with Human Population Density and Land Cover Changes' (2021) 27 *Diversity and Distributions* 602.

conflicts between the species.³¹ Another factor has been the emergence of stable institutions in Europe after World War II, creating “conditions for securing land tenure and associated rights for activities such as forestry and hunting”.³² The positive socio-economic development after the war also seemed to benefit the wolf populations on the continent.³³ The rise and growing impact of the environmental movement played a significant role in enabling the return of the wolves as well.³⁴ Laws and legal protection have also been of importance for the protection of wolves and biological diversity in general.³⁵

The southern Scandinavian wolves are all very closely related genetically.³⁶ This leads to a greater risk for genetic diseases and higher vulnerability in general, which can be devastating for the population as a whole.³⁷ The population, therefore, needs new genetic input from the wolf populations in Finland and Russia to survive long-term.³⁸ However, in order to reach the populations in southern Scandinavia, the wolves need to pass through the vast reindeer herding area occupying a large part of the central and northern half of Sweden. Due to the wolves’ hunting methods, it is especially difficult for reindeer to coexist with wolves, and many wolves get killed in legal and illegal hunting on the way south. A wolf is capable of hurting and killing up to eight reindeer in just one attack.³⁹ Wolf attacks often lead to dispersed reindeer herds, which are then very difficult to gather again, and might in turn lead to different herds belonging to different Sami groups getting mixed up.⁴⁰ Additionally, the presence of wolves affects

³¹ Ibid.

³² Guillaume Chapron and others, ‘Recovery of Large Carnivores in Europe’s Modern Human-Dominated Landscapes’ (2014) 346 *Science* 1517.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Their inbreeding coefficient is currently 0,23, which almost corresponds to the inbreeding coefficient of an offspring of two siblings. Wabakken and others (n 28).

³⁷ Håkan Sand and others, *Den skandinaviska vargen* [The Scandinavian Wolf], (Report to the Norwegian Directorate for Nature Management, Trondheim, 2014) 4.

³⁸ Swedish Environmental Protection Agency report, *Delredovisning av regeringsuppdraget att utreda gynnsam bevarandestatus för varg* [Partial Report of the Government Commission to Investigate Favorable Conservation Status for Wolves] (M2015/1573/Nm 2015, Swedish Environmental Protection Agency 2015) 4.

³⁹ Mirja Lindberget and Anders Blom, *Vi plågas och renarna plågas av rovdjuren – en vägledning i utarbetandet av toleransnivåer* [We are Tormented and the Reindeer are Tormented by the Predators - a Guide in the Development of Lolerance Levels]. (Slutrapport del II, Samernas riksförbund [Final Report II, the National Confederation of Swedish Sami] 2010).

⁴⁰ Ibid.

the appetite of reindeer, causing starvation in the herds.⁴¹ As expressed in a report to the Sami national organisation, Sámiid Riikkasearvi, the presence of wolves will never be accepted in reindeer husbandry.⁴² This sentiment is, to some extent, reflected in Swedish legislation.⁴³

2.2 Opposing wolves and wolf policies

An even more severe threat to wolves than poor genetic status is human hunting. Half of all wolf deaths in the South Scandinavian population of wolves between 1991 and 2006 were due to illegal hunting, and the mortality from illegal hunting has continued to be high ever since.⁴⁴ The wolves are not hunted for their meat or fur; on the contrary, it is common that they are dug down and buried quickly after the killing.⁴⁵ The areas where illegal hunting takes place are too large to be effectively controlled and the acceptance of illegal hunting in some communities makes it difficult to investigate, or even notice, the crimes.⁴⁶ The illegal hunting occurs in social spheres where wolves are seen as vermin and where illegal hunting can therefore be more or less accepted socially.⁴⁷ Even though it is done by a small minority, studies have shown that the illegal hunting has some acceptance also in wider circles and is generally surrounded by a culture of silence which the police struggle to penetrate.⁴⁸ For these reasons, it has been difficult for the authorities to stop the illegal hunting.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Proposition [Government Bill] 2012/13:191, 39.

⁴⁴ Olof Liberg and others, *Illegal Killing of Wolves in Scandinavia 1998–2011: Variation in Space and Time* (A Report to WWF Sweden 2011); Olof Liberg and others, 'Poaching-Related Disappearance Rate of Wolves in Sweden Was Positively Related to Population Size and Negatively to Legal Culling' (2020) 243 *Biological Conservation* 108456; Olof Liberg and others, 'Shoot, Shovel and Shut up: Cryptic Poaching Slows Restoration of a Large Carnivore in Europe' (2011) 279 *Proceedings of the Royal Society B: Biological Sciences* 910.

⁴⁵ Liberg and others, 'Shoot, Shovel and Shut up: Cryptic Poaching Slows Restoration of a Large Carnivore in Europe' (n 44).

⁴⁶ Olve Krange, Erica von Essen and Ketil Skogen, 'Law Abiding Citizens: On Popular Support for the Illegal Killing of Wolves' (2022) 17 *Nature and Culture* 191. For thorough reviews of the Norwegian police's methods, see Paul Larsson, 'Efterforskning av illegal ulvejakt' [Investigation on Illegal Hunting on Wolves] (2020) 107 *Nordisk Tidsskrift for Kriminalvidenskab* 122; Paul Larsson 'Å forebygge ulvedrap' [To Prevent Wolf Kills] (2022) 109 *Nordisk Tidsskrift for Kriminalvidenskab* 203.

⁴⁷ Krange and others (n 46).

⁴⁸ Ibid.

The illegal hunting of wolves is strongly connected to the infected political conflicts that the return of the wolves have incited.⁴⁹ Annelie Sjölander-Lindqvist has suggested that the illegal hunting of wolves can be seen as a partial take-over of the local wolf management, due to the experience at the local level of not being politically prioritized or listened to, and the sense of powerlessness and impotence that it has entailed in some social spheres.⁵⁰ Similarly, Olve Kränge and Ketil Skogen understand illegal hunting as politically motivated resistance, while Erica von Essen calls it a crime of dissent.⁵¹

The negative response in some social spheres to the return of the wolves can partly be attributed to the concrete ways in which the wolves impact some of the people living close to them. For example, the presence of wolves has a negative impact on the seasonal elk hunt, as elks are the wolves' main prey.⁵² Another problem is that the wolves pose a lethal threat to the dogs traditionally used in the elk hunt.⁵³ The wolves also cause people, as well as other animals, to fear for their safety and the safety of their families.⁵⁴ As Sjölander-Lindqvist writes, for some people, wolves may be regarded "as detrimental to humans and as undermining opportunities for farming, hunting, and other outdoor activities (e.g. orienteering, mushrooming, and berry picking) in forested and farmed areas".⁵⁵

⁴⁹ Sand and others (n 37) 1.

⁵⁰ Annelie Sjölander-Lindqvist, "Den är ju inte i fårhagen på studiebesök" *Om lokala perspektiv och uppfattningar om varg och svensk rovdjurspolitik* [It's not in the Sheepfold on a Study Visit: About Local Perspectives and Perceptions of Wolves and Swedish Predator Policy] (Report 2006:1, Gothenburg University, 2006) 67.

⁵¹ Erica von Essen, *In the Gap between Legality and Legitimacy* (Doctoral dissertation, Swedish University of Agricultural Sciences, 2016); Olve Kränge and Ketil Skogen, 'When the Lads Go Hunting: The "Hammertown Mechanism" and the Conflict over Wolves in Norway' (2011) 12 *Ethnography* 466; Kränge and others (n 46).

⁵² Camilla Wikenros, *The Return of the Wolf: Effects on Prey, Competitors and Scavengers* (Doctoral dissertation, Uppsala University, 2011). 28-30. However, as Wikenros writes, the decline of elk populations is dependent primarily upon the number of elk killed by hunters. In her thesis she notes that a common response to the wolf establishment was that fewer elk were shot.

⁵³ Between 1995 and 2018, 400 dogs were killed by wolves in Scandinavia. See John Odden and others. *Ulveangrep på hunder i Skandinavien* [Wolf Attacks on Dogs in Scandinavia] (NINA Report 1568, 2018).

⁵⁴ Thorsten Gieser and Erica von Essen, 'Wolves, Ecologies of Fear, and the Affective Challenges of Co-existence'. *Society and Space*. <https://www.societyandspace.org/articles/wolves-ecologies-of-fear>, retrieved 2024-09-23.

⁵⁵ Annelie Sjölander-Lindqvist, 'Targeted Removal of Wolves: Analysis of the Motives for Controlled Hunting' (2015) 21 *Wildlife Biology* 138. For a similar reasoning, see also John Linnell and others 'Zoning as a means of mitigating conflicts with large carnivores: principles and reality'. In Rosie Woodroffe, Simon Thirgood and Alan Rabinowitz (eds), *People and Wildlife: Conflict or Co-existence?* (Cambridge University Press, 2005) 163.

However, the wolf conflicts transcend these kinds of concrete impacts. As Steve Redpath and others conclude in a meta-study on conservation conflicts in general, the origins of the conflicts “often go beyond material differences between stakeholders, arise from a deeper cognitive level, and are linked to power relations, changing attitudes, and values that are rooted in social and cultural history”.⁵⁶ Similarly, the negative sentiments towards wolves in Scandinavia is not only a direct reaction to damages inflicted by the wolves, but is connected to a web of other political discourses.

One recurrent feature of the political conflicts connected to the return of the wolves has been the sentiment in parts of the rural population in Sweden that they have insufficient control over the management of wolves.⁵⁷ Writing about the low tolerance for wolves in certain parts of Sweden and the connection to norms, attitudes, and fear, Sjölander-Lindqvist notes that:

Socio-cultural norms related to large carnivores in Sweden are largely characterised by lack of trust among the public, local, regional, and national authorities, and interest groups, especially in areas where permanent large carnivore populations are present. This warrants special attention since mistrust fuels feelings of fear. Fear is, in turn, negatively associated with a willingness to pay for large carnivore policy, as well as with the implementation of management strategies.⁵⁸

In these conflicts, the resentment is not necessarily directed towards individual wolves. The aversion towards wolves often merges with an aversion towards the national and regional wolf management, in a way making the resistance against the wolves and the

⁵⁶ Steve M. Redpath and others, ‘Understanding and Managing Conservation Conflicts’ (2013) 28 *Trends in Ecology & Evolution* 100.

⁵⁷ Camilla Sandström and others, ‘Between Politics and Management: Governing Large Carnivores in Fennoscandia’ in Tasos Hovardas (ed). *Large Carnivore Conservation and Management: Human Dimensions* (Routledge 2018). Even though the concept “rural” might be a bit unprecise it is recurrent within these discourses. About the rural/urban-divide, see e.g. Mirek Dymitrow and Rene Brauer, ‘Meaningful yet Useless? Factors Behind the Retention of Questionable Concepts in Human Geography’ (2018) 100 *Geografiska Annaler: Series B, Human Geography* 195; Mirek Dymitrow and Marie Stenseke, ‘Rural-urban Blurring and the Subjectivity within Rural Landscapes’ (2016) 3 *Society, Environment, History* 4.

⁵⁸ Annelie Sjölander-Lindqvist, Maria Johansson, and Camilla Sandström, ‘Individual and Collective Responses to Large Carnivore Management: The Roles of Trust, Representation, Knowledge Spheres, Communication and Leadership’ (2015) 21 *Wildlife Biology* 178.

aversion against the management inseparable.⁵⁹ The wolves, in these discourses at least, therefore also becomes representatives of the wolf management.

Among opponents to the wolves, the management of the wolves is sometimes seen as imposed upon the rural landscape by politicians and bureaucrats in Stockholm or Brussels, who do not have to deal with wolves themselves.⁶⁰ This trope is connected to a broader populist discourse in which a perceived urban elite are seen as threatening the rural lifestyle in general.⁶¹ The wolves therefore become entangled with problems such as loss of gas stations, loss of jobs, and a general degradation of welfare.⁶² As a consequence wolves' attacks on dogs are for some perceived as much as direct attacks from a perceived urban establishment as attacks from the wolves themselves.⁶³

Even though this assemblage of attitudes is not a political program shared by every wolf opponent, they represent sentiments and opinions that have been shown to be recurrent amongst wolf opponents in Sweden, Norway, and Finland.⁶⁴ It shows that a wolf is never just a biological entity in nature, but a multiplicity of socio-ecological bodies already acting within society and law. Or as anthropologist Bernard Charlier concluded after his two-year study of Mongolian hunters: "The wolf is at the intersection of networks of fluid knowledge where materialism and symbolism 'clash' in a continuum, mobilized differently depending on the circumstances".⁶⁵ In a sense, in the human-dominated landscapes in Sweden, the wolves' biological bodies are therefore always smaller bodies in larger wolf-bodies of entangled discourses and practices through which they contribute to co-create affects. As mentioned in the

⁵⁹ As Krange and others puts it "For these people, the wolf becomes an activator of a wide body of interconnected grievances". See Krange and others (n 46).

⁶⁰ Simon Larsson and others, 'Contextualizing Negative Attitudes to Wildlife and Wildlife Governance in the Moral Economy of Swedish Farmers' (2022) 3 *Frontiers in Conservation Science*.

⁶¹ *Ibid.*

⁶² Ketil Skogen, Olve Krange and Helene Figari, 'Wolf Conflicts: A Sociological Study' (1st edn, Berghahn Books 2017). 16.

⁶³ Annelie Sjölander-Lindqvist (n 55); Larsson and others (n 60); Outi Ratamäki and Taru Peltola, 'Illegal Killing of Large Carnivores in Finland' in Mauro Zamboni and Visa Kurki (eds) *Scandinavian Studies in Law vol. 67: Animal Law and Animal Rights* (Stockholm Institute of Scandinavian Law, 2021) 255-272.

⁶⁴ See e.g. Skogen and others (n 62).

⁶⁵ Bernard Charlier, *Faces of the Wolf: Managing the Human, Non-human Boundary in Mongolia* (Brill 2015) 102.

introduction, I refer to this particular assemblage of resentment amongst wolf opponents as the bad wolf.⁶⁶

The bad wolf assemblage, at least in certain communities, influences the understanding of the wolves' every action, as well as every legal or political discussion concerning wolves. As the legal texts protect every wolf, the bad wolf is also protected. Consequently, in thinking about wolves as legal actors or agents, they need to be understood through these kinds of assemblages. The perceived threat to the rural lifestyle is thereby also a part of the wolf as well as the law. For example, when a wolf kills sheep or a hunting dog, its actions contribute to legal processes concerning legal hunting and to ongoing debates about changing laws. It is not the action in itself that creates the contributions, but the action as understood through assemblages such as the bad wolf. As long as the wolves are entangled in these kinds of assemblages, acknowledging their agency more explicitly within the legal system would mean to acknowledge the agency of the wolf as understood through for example the bad wolf assemblage. The wolves in the forests as well as in legal texts are hence not neutral creatures but political bodies enmeshed in various discourses and other bodies in the landscape, co-produced by as well as co-producing bad wolves as well as good ones. In this sense, the meaning of wolf protection is created not only in the texts or by the lawmaker, but by the wolves as well, through their entanglement within larger bodies such as human discourses. The legal hunting of wolves therefore might partly be understood as consequences of the wolves' entanglement in the bad wolf assemblage.

2.3 Co-existence

As wolves and humans, in Sweden as well as in most parts of Europe, inevitably dwell in the same human-dominated landscapes, the entanglement of wolves in the bad wolf will for a foreseeable future remain an important aspect when discussing the protection of the wolves.⁶⁷ This is why much research concerning the management of wolves has focussed on how to foster more tolerance for wolves in the landscape.⁶⁸ As it is often difficult to create a clear separation between wolf and human habitats, a principal

⁶⁶ Stenseke Arup (n 8). See chapter 8 in particular.

⁶⁷ Boitani and Linnell (n 30) 79.

⁶⁸ For an overview, see e.g. Juliana Bennett and others, 'Addressing the Swedish Large Carnivore Controversy: Identifying Roadblocks in Collaborative Governance to Reduce Conflict' (2022) 3 *Frontiers in Conservation Science* 952242.

challenge for the legal protection of wolves is how to facilitate the *co-existence* of humans and wolves in shared landscapes.⁶⁹

Carter and others have formulated a useful definition of co-existence as a

dynamic but sustainable state in which humans and large carnivores co-adapt to living in shared landscapes where human interactions with carnivores are governed by effective institutions that ensure long-term carnivore population persistence, social legitimacy, and tolerable levels of risk.⁷⁰

This definition emphasises the importance of both human-human and human-carnivore co-existence and acknowledges that “human and natural systems are fundamentally integrated”.⁷¹

Co-existence as an aim for legal protection of large carnivores has been widely influential internationally. In a study analysing a broad range of national and international legislation, Cretois and others have shown how “the underlying value basis of modern global wildlife legislation predominantly accords with a non-dualistic form of conservation that is based on co-existence”.⁷² In a recent CJEU case concerning questions of the validity and interpretation of the Habitats Directive, arising from a contested protective hunt of a wolf in Austria that had killed several sheep, the court also emphasised the need to “promote a culture of coexistence between the wolf population, herds and breeders”.⁷³ In Sweden, the governmental bill expressing the aims for wolf management states that an active management is required to ensure a functioning *co-existence* (Swedish: *samexistens*) between large carnivores and humans.⁷⁴ The same bill is also largely influenced by a preceding governmental enquiry that was labelled “Measures for *co-existence* between humans and wolves”.⁷⁵ Similarly,

⁶⁹ Boitani and Linnell (n 30) 80; Chapron and others (n 32).

⁷⁰ Neil H Carter and John DC Linnell, ‘Co-Adaptation Is Key to Coexisting with Large Carnivores’ (2016) 31 Trends in Ecology & Evolution 575.

⁷¹ Ibid; Michelle L Lute and others, ‘Conservation Professionals Agree on Challenges to Coexisting with Large Carnivores but Not on Solutions’ (2018) 218 Biological Conservation 223.

⁷² Benjamin Cretois and others, ‘What Form of Human-Wildlife Coexistence Is Mandated by Legislation? A Comparative Analysis of International and National Instruments’ (2019) 28 Biodiversity and Conservation 1729.

⁷³ Case 601/22 *Umweltverband WWF Österreich and Others v Amt der Tiroler Landesregierung* [2024] (ECJ, 11 July 2024) para 81.

⁷⁴ Proposition [Government Bill] 2012/13:191, 28.

⁷⁵ My trans. Statens Offentliga Utredningar [Swedish Government Official Reports] 2013:60.

the overarching purpose of the Swedish management of large carnivores, that the size of these populations should be large enough to secure their long-term existence in the Swedish landscapes, is dependent upon attainment of this goal at a pace that fosters *co-existence* between humans and these species.⁷⁶

In order to facilitate co-existence, co-management and stakeholder participation are crucial.⁷⁷ Bennet and others point out that

researchers studying conservation conflicts widely determine that constructive conservation processes cannot be achieved by simply addressing the material concerns at the surface level of a conflict, but rather require assessing the underlying values, concerns, and needs of stakeholders. These conflicts are driven by nonnegotiable needs and values, which will produce negative outcomes if threatened, especially if parties experience their cultural identities are at stake by the presence of wolves in their immediate, nearby or more remote surroundings. Seeing as management is made up of individuals with diverse interests and concerns, studying the social drivers involved in a conflict is critical to creating not only a functional delegation but to producing an effective and sustainable wildlife management process.⁷⁸

They conclude that “trust, legitimacy and participation that includes actual influence are essential to social viability” and that creating a socially viable collaborative governance regime capable of managing the conflict is essential for countering problems such as illegal hunting.⁷⁹

“Co-management to foster co-existence” is also acknowledged by the EU Commission, for example through the EU Platform on Co-existence between People and Large Carnivores, which acknowledges the following:

⁷⁶ My trans. Förordning (2009:1263) om förvaltning av björn, varg, järv, lo och kungsörn § 1 [Regulation (2009:1263) on the Management of Bears, Wolves, Wolverines, Lynx and Golden Eagles].

⁷⁷ Bennett and others (n 68).

⁷⁸ Ibid.

⁷⁹ Ibid.

Finding solutions arising from conflicts with large carnivores and facilitating human-large carnivore co-existence is best achieved through constructive dialogue among key stakeholders at local, national and EU levels.⁸⁰

However, as Ragnhild Sollund has argued, co-management where the wolves' adversaries have too much power has little potential of being beneficial for the wolves.⁸¹ She writes, "to allow a minority of people who are against protection of endangered species have the last saying in their survival is unlikely the best take on it".⁸² This is indeed a valid point, especially when considering the situation in Norway where a significant proportion of the wolf population is hunted legally each year.⁸³ As Charlotta Söderberg and others have shown, collaborative governance is not in itself a given success but must always be adapted to local conditions.⁸⁴

Co-existence, however, is a context-bound concept. Given the current anthropocentric regimes in the Scandinavian and European landscapes, the co-existence approach does not imply co-existence on equal terms. This approach has been used to protect wolves as well as to kill them. For example, in the Swedish governmental enquiry "Measures for *co-existence* between humans and wolves", as well as in the annual decisions on licensed hunting on wolves, the killing of wolves is justified as a measure to facilitate co-existence and is supposed to improve tolerance among people for the wolves, which in turn is supposed to help counteract illegal hunting.⁸⁵

⁸⁰ *EU Platform on Co-existence between People and Large Carnivores*, see https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive/large-carnivores/eu-large-carnivore-platform_en, retrieved 2024-09-23.

⁸¹ Ragnhild Sollund, 'Perceptions and Law Enforcement of Illegal and Legal Wolf Killing in Norway: Organized Crime or Folk Crime?' (2017) 3 Palgrave Communications 17059.

⁸² *Ibid.* 6.

⁸³ Martine Lie 'Legal versus Illegal Hunts: A Species Justice Perspective on Wolf and Bear Theriocides in Norway' in Ragnhild Sollund and Martine Lie (eds), *Criminal Justice, Wildlife Conservation and Animal Rights in the Anthropocene* (Bristol University Press 2024).

⁸⁴ Charlotta Söderberg and others, 'The Link between Collaborative Governance Design and Markers of Legitimacy: Comparing Swedish Water- and Large Carnivore Management' (2021) 31 *Environmental Policy and Governance* 563.

⁸⁵ Statens Offentliga Utredningar [Swedish Government Official Reports] 2013:60; Proposition [Government Bill] 2008/09:210, p. 50; Proposition [Government Bill] 2012/13:191; Judgement of the Luleå Administrative Court of 15 December 2020, case 2043-20. A similar reasoning was used by the Finnish authorities in their licensed hunting decision in 2015 which was the subject of a preliminary ruling in the CJEU, Case 674/17, *Luonnonsuojeluyhdistys Tapiola Pohjois-Savo – Kainu ry* [2019] OJ C 423. The logic of this so called 'tolerance hunting' is discussed further down at n 120.

In a press release in 2023, Ursula von der Leyen similarly referred to co-existence and the socio-economic consequences of having wolves around when she urged “local and national authorities to take action where necessary” due to the fact that “the concentration of wolf packs in some European regions has become a real danger for livestock and potentially also for humans”.⁸⁶ This statement is part of a series of communications from the EU institutions emphasizing the need for measures taken towards enhancing co-existence with wolves, beginning with the EU Parliament in 2021.⁸⁷ In September 2024 the European Council decided to submit a proposal to downgrade the protection status of the wolf under the Bern Convention to the Bern Convention’s Standing Committee, which in turn would enable a weaker protection also in the EU Habitats Directive.⁸⁸

In Sweden, the political opposition against the wolves seems to have similarly gained momentum. In 2022, the Swedish Parliament voted in favor of a call to the government to take action against what they held to be a too large population of wolves.⁸⁹ Although the governing party at the time, the Social Democrats, had not voted in favor of the call, the government did not seem reluctant when they, some weeks later, presented a plan to investigate the possibility of reducing the population of wolves.⁹⁰ In 2023 the largest licensed hunt to date was conducted, killing 57 wolves out of an at the time estimated population of 460, still with co-existence as a part of the reasoning.⁹¹ In 2024, after a

⁸⁶ Press release Wolves in Europe: Commission urges local authorities to make full use of existing derogations and collects data for conservation status review Brussels, 4 September 2023 The return of the wolf to EU regions (European Commission, 2023) https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4330, retrieved 2024-09-23.

⁸⁷ European Parliament resolution 2022/2952 (RSP) of 24 November 2022 on the protection of livestock farming and large carnivores in Europe [2022] OJ C167; joint letter sent by Commissioner Sinkevičius and Commissioner Wojciechowski to all EU Ministers for Agriculture and Environment in November 2021. And, infamously, this process has correlated in time with a wolf-attack on von der Leyens’ pony. See e.g. <https://www.theguardian.com/environment/2024/jan/27/a-wolf-killed-the-eu-presidents-precious-pony-then-the-fight-to-catch-the-predator-began> retrieved 2024-05-27.

⁸⁸ Council Decision 2024/2669 of 26 September 2024 on the submission, on behalf of the European Union, of a proposal for the amendment of Appendices II and III to the Convention on the conservation of European wildlife and natural habitats and on the position to be adopted, on behalf of the Union, at the 44th meeting of the Standing Committee to that Convention [2024] OJ L 2024/2669.

⁸⁹ Parliamentary Decision on Committee Report 2021/22: MJU24.

⁹⁰ Governmental Decision M2022/01143.

⁹¹ Erik Ågren and Emma Höök, *Licensjakt på varg 2023, resultat från undersökningar på SVA* [Licensed Hunting on Wolves, Results from Analyses on SVA] (Statens Veterinärmedicinska Anstalt [Swedish Veterinary Agency] 2023); *Licensjakt efter varg i Dalarnas och Gävleborgs län* [Licensed Hunting on Wolves in Dalarna and

governmental assignment, the Swedish environmental protection agency updated guidelines to make it slightly easier to approve protective hunting (i.e. legal hunting on specific wolves that are deemed as threatening humans or livestock).⁹² In the annual governmental statement at the opening of the Swedish parliament in September 2024 the prime minister Ulf Kristersson simply stated that the number of wolves in Sweden shall be reduced.⁹³

Co-existence hence often seems to imply an unlimited number of people co-existing with as few wolves as possible, functioning as a blurring concept that obscures the injustices embedded in the wolf policies. However, in the current landscapes of the Anthropocene the wolves, if they are allowed to exist at all, are for the foreseeable future deemed to co-exist with humans in some form.

3. Some reflections concerning paradigm changes in law

As a considerable number of wolves are killed through legal and illegal hunting in Sweden each year, it is clear that the law does not fully protect wolves. Yet, as the ability of the law to protect wolves is constrained by the anti-wolf sentiments in the landscape, it is not certain that stricter laws would result in a stronger protection. In this section, I share some reflections concerning challenges for animal law when discussing legal protection of wolves from the perspective of post-anthropocentric legal scholarship,

Gävleborg Counties] nr. 218-13073-2022 (Länsstyrelsen Dalarnas län [Dalarna County Administrative Board] 2023); Wabakken and others (n 28).

⁹² *Uppdaterade riktlinjer för beslut om skyddsjakt på stora rovdjur: Redovisning av Naturvårdsverkets regeringsuppdrag om att uppdatera riktlinjer för skyddsjakt efter varg* [Updated Guidelines for Decisions on Protective Hunting of Large Carnivores: Report of the Swedish Environmental Protection Agency's government mission to update guidelines for protective hunting of wolves]. (NV-05515-23, Swedish Environmental Protection Agency 2024).

⁹³ Ulf Kristersson, *Regeringsförklaringen: För ett rikare och tryggare Sverige* [Government Declaration: For a Richer and Safer Sweden] (the Swedish Government 2024)

<https://www.regeringen.se/tal/2024/09/regeringsforklaringen-den-10-september-2024/> retrieved 2024-09-19.

However, In a recent report commissioned by the government, the Swedish Environmental Protection Agency concluded that it would be difficult to diminish the population of wolves without taking larger legal and biological risks. Naturvårdsverket, 'Analys av vargens referensvärde i fråga om populationsstorlek för gynnsam bevarandestatus Slutredovisning av regeringsuppdrag att utveckla vargförvaltningen [Analysis of the Wolf's Reference Value in Terms of Population Size for Favorable Conservation status. Final Report of Government Mission to Develop Wolf Management] (M2022/01143 och LI2023/02916, the Swedish Environmental Protection Agency 2024).

and potential synergies that could be reached if adhering to more anthropocentric perspectives from research concerning the management of wolves.

As we live in an anthropocentric era, where anthropocentric policy goals dominate the political landscapes, most laws, from global to local levels, are built upon anthropocentric paradigms.⁹⁴ To the extent that non-humans are protected at all, they therefore often lack explicit rights connected to their individuality.⁹⁵ The Convention on Biodiversity for example focuses on the diversity of life and on species, but not on individual animals or plants.⁹⁶ Likewise, the Bern Convention and the Habitats Directive have yet failed to grant the individual animal a right to life beyond its existence as part of an endangered species.⁹⁷ The same rationale underpins the Swedish legislation concerning protection of wolves. Although there are indeed regulations concerning the treatment of individual wolves, they are primarily protected as parts of a species.⁹⁸ Their status as killable entities further relies on the conservation status of the species.⁹⁹ For example, a measure such as hunting a protected species, can, according to the Habitats Directive art. 16, only be accepted if it is not detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range.¹⁰⁰

⁹⁴ Louis J Kotzé and others, 'Earth System Law: Exploring New Frontiers in Legal Science' (2022) 11 *Earth System Governance* 100126.

⁹⁵ See e.g. Ragnhild Sollund and Martine Lie (eds) *Criminal Justice, Wildlife Conservation and Animal Rights in the Anthropocene* (Bristol University Press 2024).

⁹⁶ David Bilchitz, 'Why Conservation and Sustainability Require Protection for the Interests of Animals' (2019) in Werner Scholtz (ed) *Animal Welfare and International Environmental Law* (Edward Elgar Publishing 2019).

⁹⁷ See e.g. de Witte (n 10). However, Epstein and Bernet Kempers have convincingly argued that animals and nature already implicitly have rights in EU law. It remains to be seen if these rights will have consequences for the wolves. Yaffa Epstein and Eva Bernet Kempers, 'Animals and Nature as Rights Holders in the European Union' (2023) 86 *The Modern Law Review* 1336. See also Yaffa Epstein and Hendrik Schoukens, 'A Positivist Approach to Rights of Nature in the European Union' (2021) 12 *Journal of human rights and the environment* 205; Ragnhild Sollund, 'The Dark Side of Nature Conventions: A Call to End Anthropogenic Wildlife Destruction' [2023] *Criminology & Criminal Justice* 17488958231181309. Veerle Platvoet has argued that although the Habitats Directive can be interpreted as entailing a "preliminary fundamental right to life" for some species (including the wolves), the rights are not grounded in the interests of the animals but in the interests of humanity, and are therefore not animal rights at all. Veerle Platvoet, *Wild Things: Animal Rights in EU Conservation Law* (2023) 26 *Journal of International Wildlife Law & Policy* 79.

⁹⁸ See e.g. de Witte (n 11).

⁹⁹ *Ibid.*

¹⁰⁰ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1992] OJ L206/7 (Habitats Directive). For thorough reviews of what favorable conservation status implies, see Yaffa Epstein, José Vicente López-Bao and Guillaume Chapron, 'A Legal-Ecological Understanding of Favorable Conservation Status for Species in Europe' (2016) 9 *Conservation Letters* 81; Yaffa Epstein, 'Favourable Conservation Status for Species: Examining the Habitats Directive's Key Concept through a Case

One recurrent theme in the now quite extensive literature on law in, of, or for the Anthropocene is that the anthropocentricity of the legal systems facilitates the exploitation of non-human animals and of nature in the landscapes and is a principal obstacle for more progressive policies.¹⁰¹ Consequently, it is argued that post-anthropocentric paradigm shifts in the legal systems are necessary preconditions for creating policies and measures able to counter our multiple ongoing planetary crises.

One example is the anthology *Posthuman Legalities*, in which the authors explicitly discuss the need for a paradigm shift within law towards relational thinking.¹⁰² Marie-Catherine Petersmann, for example, questions “the onto-epistemological premises of extant international environmental laws that enact how states and non-state actors govern life on Earth and the human-nonhuman relations that constitute it”.¹⁰³ She proposes that “thinking with response-abilities of care in more-than-human worlds can inspire a novel imagination and new sense of possible legal commitments”.¹⁰⁴ In *Constitutionalizing in the Anthropocene*, Floor Fleurke and others, although explicitly refraining from trying to identify how law could save the planet, aim to:

Study of the Swedish Wolf’ (2016) 28 *Journal of Environmental Law* 221; Guillaume Chapron and Yaffa Epstein, ‘The Hunting of Strictly Protected Species: The Tapiola Case and the Limits of Derogation under Article 16 of the Habitats Directive’ [2018] *European Energy and Environmental Law Review* 78; Yaffa Epstein and others, ‘When Is It Legal to Hunt Strictly Protected Species in the European Union?’ (2019) 1 *Conservation Science and Practice* e18; Arie Trouwborst and Floor M Fleurke, ‘Killing Wolves Legally: Exploring the Scope for Lethal Wolf Management under European Nature Conservation Law’ (2019) 22 *Journal of International Wildlife Law & Policy* 231.

¹⁰¹ This growing body of research includes perspectives and theories such as earth jurisprudence, eco-constitutionalism, ecological law and earth system law, as well as more posthumanist and new materialist works. See e.g. Kotzé and others (n 94); Lynda Collins, *The Ecological Constitution: Reframing Environmental Law* (Routledge 2021); Kirsten Anker and others (eds), *From Environmental to Ecological Law* (2020 Routledge); Anna Grear, ‘Legal Imaginaries and the Anthropocene: “Of” and “For”’ (2020) 31 *Law and Critique* 351; Anna Grear and others (eds), *Posthuman Legalities: New Materialism and Law Beyond the Human* (Edward Elgar Publishing 2021); Peter Burdon and James Martel (eds), *The Routledge Handbook of Law and the Anthropocene* (Taylor & Francis 2023); Peter Burdon (ed), *Exploring Wild Law: The Philosophy of Earth Jurisprudence* (Wakefield Press 2011); Maneesha Deckha, *Animals as Legal Beings: Contesting Anthropocentric Legal Orders* (University of Toronto Press 2021); Matilda Arvidsson and Emily Jones (eds), *International Law and Posthuman Theory* (Routledge 2024). For critical overviews, see Peter Burdon, *The Anthropocene : New Trajectories in Law* (Routledge, Taylor & Francis Group 2023) and Johan Horst, ‘Entanglements: The Ambivalent Role of Law in the Anthropocene’ (2024) 15 *Journal of Human Rights and the Environment* 83.

¹⁰² Grear and others (n 101).

¹⁰³ Marie-Catherine Petersmann, ‘Response-Abilities of Care in More-than-Human Worlds’ (2021) 12 *Journal of human rights and the environment* 102.

¹⁰⁴ *Ibid.*

untangle the more fundamental questions as to how law shapes the possibility and conditions of life, and which shifts in legal thought and practice would allow for and enact forms of living that embody the entangled, differentiated and vulnerable collectives that characterize human-nonhuman relations in the Anthropocene.¹⁰⁵

In effect, law in these texts is recognized as a significant reality-shaping force, constructed upon some sort of paradigm that we ought to change in order to enable necessary transformations in the world.

A similar tendency can be found in works of animal legal scholarship. One example is Maneesha Deckha's influential work *Animals as legal beings: Contesting anthropocentric legal orders*, where she develops a new legal subjectivity for non-human animals built on an "ethos that prioritizes caring and empathic responsiveness to vulnerable Others".¹⁰⁶ In a more applied work, Werner Scholtz argues for a need to inject compassion and ethics in wildlife law to ensure that the law is more responsive to the sentience and moral worth of animals.¹⁰⁷ This would potentially transform wildlife laws from having an anthropocentric focus on conservation to having a more post-anthropocentric focus on the welfare of non-humans. Floris de Witte has also recently written an interesting piece concerning wolves in the EU where he discusses the inability of the current legal system in EU to understand wild animals, their collective modes of being, their inter-species dynamics as well as the intra-species dynamics.¹⁰⁸ He argues for "a radical shedding of our anthropocentric gaze in order to allow for the recognition of animal meaning in the legal system [...] a perspective which understands our world as a place shared with animals, alongside whom we co-create meaning".¹⁰⁹ Even these more concrete suggestions seem to presuppose that the necessary transformations are connected to paradigms within the legal system that need to change in order to enable more progressive political solutions.

¹⁰⁵ Fleurke and others (n 6).

¹⁰⁶ Maneesha Deckha, *Animals as Legal Beings: Contesting Anthropocentric Legal Orders* (University of Toronto Press 2021) 167.

¹⁰⁷ Werner Scholtz, 'Injecting Compassion into International Wildlife Law: From Conservation to Protection?' (2017) 6 *Transnational Environmental Law* 463.

¹⁰⁸ de Witte (n 11).

¹⁰⁹ Ibid.

These works are just some examples of the intriguing rapid expansion of explorations of new kinds of ways of thinking about law in and for the Anthropocene in legal scholarship. Even though I agree that there is a need for a post-anthropocentric turn within the legal systems, I have found it challenging to apply this kind of reasoning to the situation of the wolves in South Scandinavia. While a post-anthropocentric paradigm ought to be a necessary characteristic of a post-anthropocentric legal system, it seems to be more uncertain what progressive potential legal paradigm shifts as such would have for the wolves in the present situation.

One problem is that in order for laws and judgements to be effective, the national and regional management of wolves needs to function as the effective authority in the forests. As described above, with the current weak protection of wolves, there is already a considerable problem with illegal hunting that seems difficult to counter for the police.¹¹⁰ Illegal hunting, in effect, constitutes a partial takeover of the management of wolves, due to the to the discontent of and mistrust in the legal management of wolves. As Olve Krange and others write, there is no guarantee that stricter laws would contribute to diminishing this resistance, and hence it is unclear what a paradigm shift in law would entail for the landscapes in Sweden.¹¹¹ Without an analysis of the law's potential effectiveness, one always faces the risk of what David Goyes calls "legal fetishism", the idea that law can change reality on its own.¹¹²

As described above, illegal hunting as well as the current political momentum for a diminished population of wolves in Scandinavia are not so much due to hatred towards the individual wolves as it is an outcome of broader societal conflicts. Considering this tense situation for the wolves, the underlying paradigm in wolf management is perhaps not so much a legal paradigm as it is a reflection of a broader dominating anthropocentric paradigm in the landscape. Martine Lie writes that

In this era, an oppressive ideology is speciesism—humans' discrimination against other animals and differentiation between them, often according to their utility to humans. Anthropocentrism and speciesism enable the large-

¹¹⁰ Larsson (n 46).

¹¹¹ See e.g. Krange and others (n 46).

¹¹² David Rodríguez Goyes, 'Contending Philosophical Foundation in International Wildlife Law: A Discourse Analysis of CITES and the Bern Convention' (2021) 12[1] *Revista Catalana De Dret Ambiental*.

scale exploitation of animals in Western societies, and even systematic killing of animals for food and recreational purposes, such as in legal hunts.¹¹³

As this paradigm dominates the landscape, it is also engraved in law. Given the anthropocentricity in the landscapes, the wolves' entanglement in the bad wolf assemblage, and the present political momentum for the wolves' adversaries, I find it difficult to see how a formal paradigm change in the laws in the near future could precede a broader paradigm change in the landscape. It seems more plausible that a paradigm shift in the legal system would be a consequence of, rather than the cause for, paradigmatic changes in the landscape.¹¹⁴ Laws indeed appear as agents of change in the landscape, but their progressive potential is always co-produced in entanglement with other bodies. In this case, I think laws might have a limited potential to radically change the law in the landscape. For example, as Goyes and Sollund have shown, the inability of implementing the Bern convention in a consistent manner in Norway can partly be explained with the notion that underlying cultural, political and economic interests which governed the Norwegian wolf policies well up to the 1970s continue to have a "counteracting effect" on the protection of large carnivores.¹¹⁵ Despite the implementation of the Bern convention, the wolf population in Norway therefore continues to have weak legal protection. A recognition of the wolves' individuality or even agency within the Norwegian or Swedish legal system would not necessarily change peoples' views on wolves, radically change the bad wolf assemblage, or increase the wolves' formal protection. Thus, it is uncertain to what extent a paradigm shift in law would help curb illegal hunting or influence future wolf policies.

That does not mean that laws have not contributed to increasing the population of wolves.¹¹⁶ In the last decade, when the hunting of wolves has increased in Sweden, it is laws that have set limits on the hunting quotas and hindered politicians from creating even more lethal regulations. The current institutional framework in Sweden has at least succeeded in keeping the population of wolves far higher than the hunting

¹¹³ Martine Lie, "Humane Theriocide": Traces of Compassion for Animals in the Norwegian Legal Discourse on Illegal Bear and Wolf Killings' (2021) 12[1] *Revista Catalana de Dret Ambiental*.

¹¹⁴ See the brief discussion of the function of changes within laws in the process of the return of wolves to Europe in section 3.1.

¹¹⁵ Ragnhild Sollund and David R Goyes, 'State-Organized Crime and the Killing of Wolves in Norway' (2021) 24 *Trends in Organized Crime* 467.

¹¹⁶ Chapron and others (n 32).

organizations strive for, and even higher than the Parliament has agreed to. Although the co-existence concept is used to argue for killing more wolves, it is important to see that it is also used and can be further utilized for the contrary argument, as it at least acknowledges the right for wolves to exist as a species. The extensive licensed hunting in South Scandinavia is driven by the wolves' political opponents and not by the laws themselves.

I would therefore argue that the conservation regime or current paradigm within law that protects wolves as a species is not in itself significantly contributing to upholding the lethal oppression of the wolves. Rather it is a product of the anthropocentricity of the landscape and to a certain extent it contributes to give the wolves at least some protection. Neither does it appear to me that the current conservation paradigm in law functions as an obstacle for a stronger individual protection of wolves. Obviously, creating some sort of individual protection for wolves would involve changing the conservation paradigm, but the legal paradigm itself is not to blame. It could be seen as an insufficient protection but not as an agent driving the exploitation of wolves.

In order to be able to improve the current legal systems in a post-anthropocentric direction, I think it is important to situate the proposed changes in the current anthropocentric landscapes. This is an important reason why some of the works concerning the wolf management that I have referred to in this article lack a post-anthropocentric normative starting point and seem disinterested in proposing paradigmatic changes in the legal system.¹¹⁷ A principal research objective in this body of scholarship is instead to analyze the social tensions in the landscape in order to explore how to make policies legitimate amongst the wolves' opponents and, in extent, effective in the landscape. From this perspective, it is not obvious that stricter, or more rights-based, laws are the most effective tools to enhance the possibilities for sustainable populations of wolves.¹¹⁸ As a contrast, in post-anthropocentric legal scholarship, the question of legitimacy and effectiveness often seems to be more peripheral. The research objective in these works seems to be more about exploring how policies ought to be written or interpreted in order to maximize the welfare of the

¹¹⁷ See e.g. Skogen and others (n 62); Larsson and others (n 60); Bennett and others (n 68) and Erica von Essen (n 51).

¹¹⁸ See e.g. Krange and others (n 46).

individual animal or recognizing its rights in the legal system, regardless of the policies' actual potential of affecting the welfare of the animals in the landscapes. This tendency can perhaps be explained with Susan Marks' concept "false contingency", as the focus on potential paradigmatic solutions seems to lack enough attention to the determining factors in the landscape that makes progressive change so difficult.¹¹⁹

The debate concerning so called tolerance hunting, licensed hunting with the aim of improving tolerance for wolves, might be illuminating in this respect. Some studies imply that tolerance hunting might have a positive effect in combatting illegal hunting and some indicate that the measure is ineffective or even counterproductive.¹²⁰ From a post-anthropocentric perspective it is obvious that killing wolves to save them is illogical and unjust. As Sollund writes:

A minority of sexist men are opposing gender equality; is it then a good idea to allow them to commit acts of sexual harassment or rape, so as to prevent them from committing such acts again, and to create higher standards for gender equality in a society? And for racists; is it a good idea to allow them to commit some hate crimes against ethnic minorities, to prevent them from committing further such crimes? Of course not. In no other area would the right to commit serious crimes be authorized to potential offenders in order to prevent crime.¹²¹

Even engaging in a debate over the effectiveness of killing wolves to save them might therefore seem unjust. However, due to the anthropocentricity in the landscapes, engaging with these more anthropocentric discourses are necessary even for post-anthropocentric scholars. For example, in a number of works Sollund and Lie have argued that legal hunting effectively trains hunters in killing wolves, normalizes it, and increases the probability of hunters engaging in spontaneously killing wolves illegally when opportunities appear.¹²² Extensive licensed hunting has not led to less conflict in

¹¹⁹ Susan Marks, 'False Contingency' (2009) 62 *Current Legal Problems* 1.

¹²⁰ Guillaume Chapron and Adrian Treves, 'Blood Does Not Buy Goodwill: Allowing Culling Increases Poaching of a Large Carnivore' (2016) 283 *Proceedings of the Royal Society B: Biological Sciences* 20152939; Audun Stien, 'Blood May Buy Goodwill: No Evidence for a Positive Relationship between Legal Culling and Poaching in Wisconsin' (2017) 284 *Proceedings of the Royal Society B: Biological Sciences* 20170267; Olof Liberg and others, 'Poaching-Related Disappearance Rate of Wolves in Sweden Was Positively Related to Population Size and Negatively to Legal Culling' (2020) 243 *Biological Conservation* 108456; Johanna Suutarinen and Ilpo Kojola, 'One Way or Another: Predictors of Wolf Poaching in a Legally Harvested Wolf Population' (2018) 21 *Animal Conservation* 414.

¹²¹ Sollund (n 81) 7.

¹²² E.g. Ibid; Ragnhild Sollund 'With or Without a Licence to Kill Human-Predator Conflicts and Theriocide in Norway' in Avi Brisman and others (eds) *Environmental Crime and Social Conflict: Contemporary and*

Norway or a better situation for the wolves, just more licensed hunting.¹²³ Yaffa Epstein has also consistently highlighted the need for a higher degree of scientific certainty on the effectiveness of tolerance hunting in order for the measure to be applied.¹²⁴ These works shows the importance of engaging with anthropocentric perspectives on their own merits when analyzing the legal protection of wolves rather than dismissing the current legal paradigm. The challenge is not only to come up with ideas of what a more just law or legal paradigm would look like, but to imagine how it could be operationalized in an anthropocentric landscape where anti-wolf sentiments have gained momentum on the highest political levels as well as in the woods.

I therefore suggest that even when writing with a post-anthropocentric normative starting point, anthropocentric questions concerning how to construct a wolf management that is legitimate and accepted also amongst wolf opponents, or how to increase the general tolerance for wolves among humans, need to be answered in order to be able to create policies that makes a difference for the wolves.¹²⁵ Considering the situation in the landscapes in which the wolves live currently, to use the legal system to best serve the individual wolves ought to include preserving spaces for negotiation with their opponents. Participation, collaboration, or co-existence as legal concepts are therefore not necessarily anthropocentric hinders but tools that are currently used both to motivate killings of wolves as well as to advocate for the wolves' welfare. These tools do not in themselves stand in the way of improving the wolves' welfare or of creating more extensive rights to life for individual wolves. As Bennet and others point out, "collaborative governance is not in itself a means to resolve conflict within wildlife management but rather a structure that stakeholders have to navigate and act within".¹²⁶

The cliché that the wolf conflicts are human conflicts means that management of the human conflict needs to lie at the heart of any effort to create a legitimate and effective

Emerging Issues (Routledge 2015); Martine S.B. Lie, 'Large Predator Poaching as Situational Action Fueled by Legal Hunts' (2024) *Deviant Behavior* 1; Martine Lie (n 113).

¹²³ Ibid.

¹²⁴ See e.g. Yaffa Epstein, 'Killing Wolves to Save Them? Legal Responses to "Tolerance Hunting" in the European Union and United States' (2017) 26 *Review of European, Comparative & International Environmental Law* 19.

¹²⁵ Ibid.

¹²⁶ Bennett and others (n 68).

wolf protection. Trying to create a wolf management that is seen as legitimate amongst the wolves' opponents might therefore be seen as a necessary step in the effort of enhancing the welfare of wolves or acknowledging their individual rights.

4. Concluding remarks

In order to legally recognize that animals have, in themselves as individuals, a right to live, an animal turn in law would be required. However, this shift would require political support across various landscapes in order to be adopted and effective. Before the idea of explicit individual animal rights gain enough momentum to become effective law, serving the best interest of nonhuman animals might mean focusing on saving as many individuals as possible. While a general challenge for biodiversity protection seems to be how to reconcile the traditional focus on the wellbeing of species with the notion of the individual animals' right to life, a challenge for animal law might be how to operationalize post-anthropocentric legal paradigms within anthropocentric landscapes.

In the present landscapes, where the wolves' opponents in Sweden and the EU are building momentum and where wolf management is, to some extent, done by illegal hunters in the vast Scandinavian woods, trying to create trust in the legal – and indeed still lethal – management of wolves ought to be of great importance. Similarly, creating spaces for negotiation with the opponents of the wolves, from local to global levels, should be in the interest of the wolves. While advocating for an animal turn, it is therefore a good idea to maintain arenas where the wolves and their wellbeing are discussed with the stakeholders who already have both formal and informal power over the wolves' lives.