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# Beyond wildlife crime: Towards the concept of 'mundane fauna crime'

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## Beyond Wildlife Crime: Towards the Concept of 'Mundane Fauna Crime'

### Abstract

*Research and theorisation on crimes against non-human species in rural regions has been conducted with less conceptual refinement than crimes against anthropocentric victims. The dominant conception of 'wildlife crime' predominantly advanced by the rational choice school of criminology, is a nebulous 'chaotic concept'. This article disaggregates crimes against common and relatively abundant species from that capacious categorisation and offers the original concept of 'mundane fauna crime' as a more precise alternative. The original concept aims to supersede the wildlife crime terminology using realist social relations theory and to offer researchers a rational abstraction to advance aetiological explanations. The additional category of 'illegal taking' is offered to complement the central conceptualisation, thus supplanting the terms of 'wildlife poaching'. The new model is intended to contribute to the advancement of comprehensive theorisation and practically adequate knowledge on mundane fauna crimes in rural regions.*

## Introduction

The term 'wildlife crime' is a chaotic concept. This article advances an alternative, original conceptual framework for the explication of crimes against common non-human species that are primarily situated in rural regions. It is contended that social scientists have treated the study of offences against fauna with less epistemic, ontological and conceptual innovation and refinement than offences against anthropocentric victims (e.g, Lasslett, 2010; Green and Ward, 2019). General reviews of explanations and characteristics of 'poaching' crimes, for instance, reveal a reliance on traditional, and outmoded 'criminologies of everyday life', such as rational choice theory (Garland, 2001; see, Von Essen et al, 2014). Empiricist crime scripts, which de-socialise phenomena, and nomothetic data collection models that decontextualize crime commissioning processes, are also prevalent in the discipline (Moreto and Clarke, 2013; Viollaz et al, 2018). It is argued that not only is a holistic structural sociological appraisal negated by positivist frameworks such as those, but that due to their compacted or 'flat' ontologies (reducing descriptions to utility maximisation rationales, individual agents and immediate empirical circumstances), they are unable to adequately account for the rich sets of relations, dispositions and historically mediated material contexts constituting the criminogenic tendencies they are seeking to ameliorate (Sayer, 2000; Jessop, 2005; Kurki, 2008; Edwards and Hughes, 2005). This article seeks to overcome these unnecessary burdens by adopting a realist social relations perspective.

This perspective was originally introduced in this journal and has to a certain extent been underutilized in applied research (Edwards and Levi, 2008). The epistemological framing advances beyond reductive positivist empiricism, not only by avoiding the production of under-determined, individuating and mono-causal outcomes that inevitably reduce social problems to regularities or crude economic cognitions

(Jessop, 2005; Edwards, 2016). Rather the central problem is the tendency of extensive research strategies to generate or reproduce chaotic conceptualisations of complex problems (Sayer, 2010: 163). One such problem is that of the concept of 'wildlife crime' (Wyatt, 2013; Moreto, 2018; Wyatt et al, 2020). Following Edwards and Levi's (classic) critique of the chaotic concept of organised crime – I argue in this article that much of the problem can be highlighted by noting that the problems of 'Wildlife Crime' (the proper noun), *is the concept of wildlife crime itself* (Edwards and Levi, 2008).

Ethnographic data derived from research on offences against *mundane fauna* conducted over a sustained four-year period with key informants in rural England underpins the philosophical critique and conceptual refinements being advanced. The article argues that the ontologically incoherent and excessively vague category of wildlife crime should be superseded with the disaggregated terms that are contained within its capacious ontology: megafauna crime and mundane fauna crime, respectively. These lower level rational abstractions denote concrete instances of criminality and hold more promise for the specificity that social science should strive for. To do that, the following section critiques the superordinate category of 'wildlife crime', after which the adopted philosophy of social science and methodology is outlined. The remainder of the article introduces two original conceptualisations: the rational abstraction of mundane fauna crime and then the 'illegal taking of deer'. The latter conceptual category delineates a historically contingent set of contemporary relations that more concisely account for what is often mis-described with the outdated terminology of 'poaching'. The offerings are intended to orientate future social science and assist the accurate theorisation of crimes against non-anthropocentric victims.

## The Chaotic Conception of 'Wildlife Crime'

The category of 'wildlife crime' is better understood as a policy construct that is consistent with the fleeting and competing objectives of policy makers, NGOs, public relations communications specialists and as adopted by some practitioners. It is a useful slogan for cutting through noise, battling optics, and securing scarce bandwidth when competing with anthropocentric signal events (Innes, 2004). Once the construct leaves the discursive realms of policy, labelling and narrative, and enters the fields of academic social science, as it has done in the context of being uncritically recycled by scholars, particularly of the rational choice school of criminology, it tends to represent a *chaotic concept* (Cornish and Clarke, 1987; Pires and Clarke, 2012; Moreto and Lemieux, 2014; Moreto and Clarke, 2013; Petrossian and Clarke, 2014; Sayer, 1998: 123).

Chaotic concepts bind together heterogeneous, inharmonious variables, such as fly-tipping in biodiverse rich habitats on the Dorset coast and bear bile extraction in Kashmir; or the wanton destruction of nesting Swan's eggs on canals in inner city Manchester, with the industrial poaching of megafauna in the Horn of Africa using heavy artillery (Haenlein et al, 2016; Molly et al, 2020). Attempts at crime script analysis of under-defined and over-determined wildlife crimes have had less than successful outcomes for these very reasons (Moreto and Clarke, 2013). Other rational choice wildlife crime scripts have had satisfactory research outcomes, but elucidate only partial aspects of the under-socialised problem field, thus effacing political economy and other critical determinants that condition the scripts permutations and obviate alternative intervention scenarios (Viollaz et al, 2018; Edwards, 2016). As such they recommend rigid and myopic situational crime prevention techniques rather than more sophisticated measures (e.g, Challender and MacMillan, 2014).

Conceptualisation of crimes and their constituent parts in the manner being discussed can result in incoherent analysis, misleading conclusions and recommendations that are inconsistent with the problem. Important research on farmers in the U.K breaching badger protection legislation through the daily practices of their profession (Endicott, 2011), is discussed using the same sets of terminology as the 'black market' for illegal game meats (Wyatt, 2016); trophy hunting in the United States (Eliason, 2012); the trade in exotic parrots in Central America (Pires, 2015); illegal, unreported and unregulated fishing (Okafor-Yarwood, 2020); and the global trade in charismatic megafauna (Warchol, 2004; Ayling, 2013; Moreto and Lemieux, 2014). When such heterogeneous concrete entities are uncritically unified under the same universal category, the outcome is confounding: an eclectic array of suspects commissioning crimes with a variety of tenuously linked characteristics, disparate motivations and divergent conditioning social structures. Different times, places, crime preventers and promoters, and regulatory compliance systems, collide and are haphazardly combined.

Synthesising these 'formally similar' (but only superficially related) phenomena manifests in a 'chaotic conception' (Sayer, 2010: 138; Choat, 2016: 36). Chaotic conceptions are over-determined categories that aggregate unrelated elements under one social science concept that is too capacious to be of accurate analytical purchase (Marx, 1973; Sayer, 1998: 127; Edwards, 2016: 253). Such imprecision provides only partial or one-sided insight of an entity and requires disaggregating and simplifying into smaller, more accurate concepts. Once we have accurately clarified the coherent internal structure of an entity (such as a crime commissioning process), including only the meaningful 'internally' related elements, we can rebuild the concept into a 'rational abstraction' (Sayer, 1998: 123-130; Sayer, 2000; Edwards and Levi, 2008; Choat, 2016;

Edwards, 2016). This is the technique that Marx used to show that the chaotic concept of 'population' needed breaking down into 'classes', 'wage labour', and so on, to be of analytic utility to his theory (Marx, 1973). From this position, the nebulous term of 'wildlife crime' is a concept so vague that it loses its explanatory value.

It can then be contended that interrogating bird egg theft in Dorset with the same overarching concept as rhino poaching in Kenya is a deficient social science. We might understand the former as an obsessive compulsion of pathological collectors embedded in subcultural collectives, which can be attended to with behavioural adjustment treatments, rather than the Environment Agency. Understanding the latter as a consequence of misguided medicinal theory (that powdered rhino horn cures cancer or other ailments) and a poorly educated populous, conditioned by chronic structural deprivation and cultural-theological tendencies, the 'wildlife crime' of rhino poaching can be better dealt with as a regional cultural problem emergent from historically conditioned political economy (Edwards and Levi, 2008; Duffy et al, 2015). As such, poverty alleviation (through increased corporate taxation), community incentivisation schemes and social marketing campaigns are a more sensible recommendation than increasing poaching patrols and punitive deterrence (Challender and MacMillan, 2014).

Chaotic conceptions are problematic because they can potentially reproduce the partisan policy claims of political and moral entrepreneurs, which themselves mask agendas, rather than elucidating precise units of analysis and specifying their conditions of emergence using sophisticated social science (Sayer, 2010; Trowler, 2015). An example of the instrumentalization of the chaotic concept of wildlife crime by the relationships of the British state is The Prince of Wales' campaign against the RSPCA. The Royal threatened the animal cruelty prevention charity with the removal of significant funding and its royal patronage should the organisation continue to investigate and

prosecute organised fox hunting crimes (Mendick and Rayner, 2016). This intervention prompted a prolonged Parliament Select Committee, which culminated in the removal of the charity's CEO, and the capitulation of all investigations into organised fox hunting was forthcoming (Wooler, 2016; Flood, 2016). The Prince of Wales is a prominent wildlife crime prevention advocate who regularly endorses anti-poaching initiatives relating to the illegal trade in endangered megafauna species originating in Africa, while simultaneously delegitimising the efforts of NGOs preventing mundane fauna crime in Britain (Witchell, 2014). The chair of the Commons Select Committee was previously the Chief Executive of the Countryside Alliance, the pro-hunting rural pressure group (Rossington, 2018). He was assigned the role under a former British Prime Minister who was a member of the fox hunting syndicate that was notoriously prosecuted by the RSPCA for hunting foxes illegally, thus breaching the Hunting Act 2004 (Davies, 2012).

I argue that by adopting the realist social relations theory we are able to move beyond the vague and problematic concept of 'wildlife' and evade the pernicious partisanship discussed above. We are then able to disaggregate, isolate and redefine offending into two generally distinct but related rational abstractions: as being commissioned against either spectacular 'megafauna', or relatively common 'mundane fauna'. What is often categorised as conservationist crimes against 'megafauna', such as the iconic, exotic and charismatic, should necessarily be de-linked from routine volume crimes against 'mundane fauna'. Outputs on crimes against resplendent megafauna such as tigers, rare exotic birds, rhinos and elephants, situated in the Global South, offer very little toward our understanding of offences such as badger persecution in mid Wales, bat roost destruction during the course of capital intensive housing developments, the intentional trapping of corvids by gamekeepers on shooting estates and organised fox hunting in the material context of rural Britain, and vice versa (Wyatt,



2013: 159; Pires, 2015; Moreto and Clarke, 2013; Moreto and Lemieux, 2014; Petrossian and Clarke, 2014; South and Brisman, 2018; Moreto, 2018; Nurse, 2011).

### **Epistemology, Ontology and Methodology**

The social relations approach brackets neither structure nor agency and analyses the interactions of phenomena as they dynamically coincide, interact, and emerge contextually and historically (Edwards and Levi, 2008). The causes of crime are not reduced to singular, mono-causal mechanisms operating in a decontextualized environment. Commensurate with my commitment to moving beyond positivist frameworks, nomothetic research strategies or rational choice theory, that are prone to produce chaotic concepts and reductive analysis, the research strategy adopted in this work was based around an intensive model (Hare, 1979; Sayer, 2000; Edwards and Levi, 2008: 375). This is the strategy consistent with a realist causal powers account. Sayer (2010: 163) suggests; *'In intensive research the primary questions concern how some causal process works out in a particular case or limited number of cases. Extensive research, which is more common, is concerned with discovering some of the common properties and general patterns'*. Edwards and Levi contend intensive models direct focus toward *'substantial relations of connection, both necessary and contingent, involving causal actors'* (Edwards and Levi, 2008: 368). The intensive and causal powers approach to explication is vital because of the centrality of a multi-determined, context dependent and sociologically rich elucidation of the precise criminogenic processes and causal tendencies at play.

Accordingly, the chosen approach surpasses the economistic 'black-box' of 'situational man', 'rationally' deciding whether an act such as taking deer is 'utility

maximising', weighing the risks and rewards of the immediate circumstances of the pitch black field and broken gate (Garland, 2001). Rather, the ontology of the realist paradigm is constituted by those empiricist, proximal factors, but crucially, additional, distal, remote socially real data (Sayer, 2000; Edwards and Hughes, 2005). Adopting a philosophy of social science that does not bracket strata's of reality was crucial for a study that incorporates non-human entities and the natural environment in dynamic and dialectical relations. Critical realism is a critical naturalist ontology with materialist determinations (Elder-Vass, 2012). Unlike positivist models, which reduce explanations to single mechanisms, realist social relations theory portrays reality as being the product of a diverse unity of mechanisms that have the potential to combine in a variety of contingent configurations (Sayer, 2000: 1-20; Edwards and Levi, 2008). It was imperative from the outset of the research that I was conscientious not only of market forces, austere political conditions, cultural traditions and historically mediated social conventions, but crucially to the natural phenomena being explored. Therefore, social relations theories rooted in a (critical) naturalist ontology were the most fitting framework.

The data used to construct the concepts advanced throughout this article is derived from a realist ethnography of crimes against mundane fauna in the rural West Country of England (Edward and Levi, 2008: 374-380). The research began in late 2015 and writing up was completed in early 2019. I spent 2016-2018 in the field, regularly speaking with respondents in all manner of settings. 36 interviews were conducted in total with senior experts in a region that I grew up in and currently once again reside in. My late father was a specialist in a rural profession in the county in which the majority of the research was conducted in. The probe sampling model was adopted in the research, which privileges quality of respondents who represent uniformity of the social setting,

over quantity (Collins and Evans, 2017). Interviews ranged between 30 minutes and three and a half hours. Repeat interviews were conducted, no respondents declined to be interviewed and many were interviewed more than once. The case study developed into a focus on what is being conceptualised here as *the illegal taking of deer*, which is internally related to the relations between licit meat traders and personnel of rural occupations and enabled by various mechanisms of legislation and geo-historical contexts (Edwards and Gill, 2002: 218; Edwards and Hughes, 2005; Goodall, 2019). This is an offending process which was previously a research lacuna and lacked comprehensive theorisation, especially in the distinct British context of the offending process (Wyatt, 2016).

Conversations with a purpose were conducted in the form of semi-structured interviews with senior level experts working in the fields of rural, environmental and food crimes. I was invited out into the field for participant observation exercises with experts in regulatory agencies. I attended the daily rounds of a meat premises Environmental Health inspector visiting local registered deer hunters, to check their records and discuss their current practices. We stood in deer larders wearing muddy wellington boots and discussed the methods hunters used to dispatch and process deer. The agent later informed me that he suspected that many hunters were also *illegally taking* specimens. Round-table events were arranged to validate my findings, one year after initial interviews, at which time I passed around visualisations of my comprehensive realist social relations crime scripts (Goodall, forthcoming).

I interviewed expert representatives in the following agencies and organisations: Devon and Cornwall Police, Somerset and Avon Police, Dorset Police, Environmental Health (3x branches), Trading Standards, National Crime Agency, British Deer Society, National Wildlife Crime Unit, Food Standards Agency, National Gamekeepers

Organisation, League Against Cruel Sports, Environment Agency, Deer Initiative, British Association for Shooting and Conservation, National Farmers Union, deer veterinary surgeons, head National Park rangers, National Trust lead deer warden, various deer stalkers, deer stalking licence accessors, RSPCA, Natural Resources Wales. Interviews took place in offices, police stations, homes, vehicles, deer larders and food premises. Interviews were later transcribed and significant data on the organisational characteristics of the process, and the conditioning structures, were thematically coded. All interviews were recorded using a tablet device, converted into mp3 and transcribed by a professional transcription company. I worked through audio recordings and Word transcription documents to construct the crime scripts, concepts and analysis being offered here.

### **Introducing the concept of 'mundane fauna crime'**

The concept of mundane fauna crime seeks to add refinement to analysis and extends the ontology of what constitutes the victim in green, rural and food criminology; from anthropocentric to eco-centric and from mega to mundane (White, 2008). The concept precisely signifies a substantial relation of connection and avoids incoherently grouping together the only formally associated or superficially similar (Sayer, 1998: 127). The endangered, exotic and photogenic can be isolated from the voluminous, common and familiar (yet rarely seen or noticed). It is also important to recognise that the new perspective being offered is not determined by a geographical region; African wild dogs, racoons from North America, British bats and pangolins native to Asia, resemble the common and 'mundane', over the charismatic and spectacular. Significant crimes and harms emanating from the Global South, such as bear bile farming, the cat and dog meat trade in South East Asia, illicit lobster harvesting in South Africa, the over-exploitation of

wild meat in Vietnam, livestock rustling in Malawi and unregulated fishing off the coast of West Africa can be more accurately elucidated by applying the concept (Brill & Raemaekers, 2013; Shairp et al, 2016; Sidebottom, 2013; Okafor-Yarwood, 2020). Intensified industrial techniques perpetuated by U.S meat producers identified by credible animal charities as being cruel are equally amenable to analysis using the concept of mundane fauna, as is the mistreatment of livestock in long-haul transit settings (Kevany, 2020). The latter being relations that incurred the avoidable deaths of over 3,000 sheep after the animals died of thirst and hunger during transit aboard cargo vessels (Mohammed Salih, 2020).

Research conducted with experts in illegal deer taking and other non-anthropocentric rural crimes demonstrates the often-overlooked consequences of crimes against mundane fauna and why a new perspective that distinguishes the *mundane* from the mega, is vital. As the following expert states, the management of deer herds and their healthy reproduction in the physically bounded region of the secluded South West of England is being undermined. The routine targeting of Red Deer in the rural West Country could culminate in a regional micro-extinction level event:

*'Those animals don't mate until sort of July time, so those twenty-seven aren't going to get that chance to mate, are they? So not only is it twenty-seven that aren't there, it's twenty-seven that haven't been able to mate. So that's potentially hundreds of deer that aren't being born.*

*So it rolls on into the decline of a wild animal in a very specific location in a very small area of the country. And he's [notorious suspect] only one person, and he's*

*now opening the door to other people to do the same thing, all with the same end goal of financial gain'.*

(Deer Stalker and British Deer Society Assessor, 2017).

A further aspect of mundane fauna crime emerged during the research, which distinguished it from wildlife crimes against elephants and other threatened and protected species. According to many experts the type of offence is seen as a 'victimless crime':

*'There is a celebration in what wildlife we have [in Britain], but what we're not good at is comparing it to those exotic species.*

*For some reason its seen; 'is that really a real crime?' There's this mentality around it not being a real crime. That social aspect needs to change.*

(Wildlife Crime Police Officer, 2017).

*'Sometimes it appears that we have people that are interested in charismatic mega-fauna and endangered species and things and from a David Attenborough perspective and lot of the royals are ambassadors for various endangered species, global NGOs and things, but then they come back here and go fox hunting.*

*Or people will be interested in manta rays and lions but then if there's badger baiting going on.. [respondent nonchalantly shrugs].*

*A bit unethical.*

*And you see that obviously, if you look at the appendices, you've got the CITES list for the annex A stuff, appendix one for CITES there are about 600 animals which are critically endangered, so you can pick on the cute stuff...*

*But what about the other stuff?*

(Wildlife Crime Intelligence Expert, 2017).

*'So what we need to look at is recognition that it is a crime, as much as any other type of crime. That the recognition is taken seriously as other types of criminality'*

(Wildlife Crime Police Officer, the West Country, 2017).

Researchers of crimes that can be designated as mundane fauna crime are now afforded a term that is more aligned with the referent object (of otters, corvids, foxes, bats, badgers, etc) and more accurate than existing available phrases (Smith, 2004; Wellsmith, 2011; Eliason, 2012; Sidebottom, 2013). A significant benefit of the perspective being offered is the obviating of the challenge that the term 'wildlife' crime seemingly creates. During interviews with senior level wildlife crime investigation and enforcement experts, it became apparent that species external to the 'wildlife' category were being overlooked and omitted from their investigations. This is problematic because, for instance, the persecution of badgers tends to be associated with domestic canine fighting syndicates – they are meaningfully associated offences and offenders (Smith, 2011). Similarly, suspects of livestock rustling have been alleged to simultaneously be perpetrators of what can be termed traditional poaching offences,

whereby offending entails invasion of property and the plundering of valued stock. Those offences are therefore internally related, or meaningfully associated with 'wildlife crimes', but are bracketed and demarcated by current wildlife crime terminology and practice, because livestock and domestic animals are not 'wildlife'; they are private property. The chaotic concept of wildlife crime is therefore contributing to the unintended consequences of disincentivising potential expert guardianship of animals that fall outside of the 'wild' category but are being targeted by offenders who do not discriminate between the species. The concept of wildlife crime is problematically 'dividing the indivisible', which is a central problem of chaotic concepts (Sayer, 1998: 123). The mundane fauna concept dissolves this unnecessary division. It enables analysis and investigation of the private property theft of livestock and domestic pet cruelty to be attended to with more substantially similar un-owned species, such as raccoons, pine martens, or deer, rather than crimes against 'wildlife' such as Siberian Snow Leopards and Great White Sharks, which the criminogenic processes in question share little commonalities with.

### **Towards the concept of Illegal Taking: the ontological distinction between the 'poaching' and the 'illegal taking' of deer**

The mundane fauna crime of *illegal deer taking* is often misapprehended as the wildlife crime of poaching. Illegal taking is a sub-classification of mundane fauna crime that can be applied to explanations of historically contingent contemporary taking: this form of crime did not exist when the Night Poaching Act 1828 was legislated and the construction of the archetypal 'poacher' was predominant. This re-articulation of the problem of deer taking shows that the perpetrators of volume mundane fauna crimes are rural and meat entrepreneurs; enterprising individuals who use the specialist position of



their rural and meat production occupations to commit ancillary acts of criminality, supplementing their official incomes, due to sub-optimal policy, incongruous European legislation and resource starved local enforcement guardianship (Goodall, forthcoming). Picking apart this policy construct and concomitant chaotic concept reveals a concrete instance of actors and conditions that combine to enable the criminogenic processes being referred to using the historical poaching category (Eliason, 2012; Von Essen et al, 2014; Wyatt, 2016). They are rather a unity of diverse aspects that in part evade rational choice positivist empiricism, especially if one accepts that 'wildlife crime' only exists as an essentially contested concept (Sayer, 1998; Edwards and Levi, 2008). Accordingly, we can then contend that the problem is better dealt with by increased budgetary allocations, recalibration of managerial focus from anthropocentric crimes to non-human imperatives, social awareness programs, better resourced food regulatory officials and more environmental regulations and legislation, rather than simply allocating solutions to more enforcement, heightening risks, reducing rewards and expecting wildlife crime police officers to shoulder the burdens of mitigation (Wellsmith, 2011; Duffy et al, 2015; Challender and MacMillan, 2014).

This is significant because some prevalent wildlife crime outputs privilege external ontological properties, such as offenders emanating from exogenous sources (like constructions of urban marauders penetrating the rural idyll), embedded in lifelong criminogenic careers and serious criminal collaborations, rather than from compromised rural experts (landowners) or meat industry operatives (butchers), colluding countryside custodians (farmers) and complicit guardians (Food Standards Agency Inspectors) (Wyatt, 2013; Moreto and Clarke, 2013; South and Brisman, 2018; Wyatt et al, 2020). Concretely it is also significant because, according to experts featured in this research, illegal taking of deer is so chronic and routine (unlike its more opportunistic poaching

counter-part) that it is causing micro-level extinction events of the country's largest wild animal. Once carcasses enter food supply chains there is the very real potential to cause a severe public health catastrophe, should contaminated venison, inexpertly butchered and in unsanitary conditions, reach consumers. Immiserated rural police forces stand little chance of confronting these issues alone, after prolonged fiscal retrenchment and resource impoverishment (Goodall, 2019: 196). From this point of departure, it is the very policy entrepreneurs, rural stakeholders, council managers, food business owners and police chiefs who deploy the terms such as 'wildlife crime', 'poaching' and 'organised crime' that are implicated as key agents of the problem we are seeking to explain and resolve (Edwards and Levi, 2008). These terms chaotically mask real concrete social problems that are shrouded amongst populist narratives.

Accordingly, the central attributes that constitute what is largely described by local stakeholders as the crime of deer 'poaching' in the rural West Country and is then uncritically reproduced, actually point to the reality of a different problem. A problem that is in fact far more pernicious, routine and constitutes high volume serious criminal collaborations. Real poaching in the UK context is institutionally defined as:

*'Poaching is the taking of game and the attempted taking of game, on any bit of land that the person taking the game, or attempting to take the game, or has taken the game, is not allowed to be on so the definition we use is in the 1828 Poaching Prevention Act'*

(Spokesperson for the National Gamekeepers Organisation, 2017).

The National Wildlife Crime Unit replace the term 'game', as used by the respondent, with deer and fish, as the species of concern in their core priority of 'poaching' as a wildlife crime and subsume hare coursing under the same category (NWCU, 2019). This conception of poaching is then reflected by wildlife NGOs and followed by regional police forces. Real poaching and illegal taking are both prevalent in megafauna literature, so this concept can also be applied to that alternative crime type. The fundamental social properties that constitute the legalistic definition of historic poaching are that suspects invade a territory they are external to and that they do not own or do not have permission from the legal owner to access. An extensive array of aspects, characteristics and properties constitute the traditional concept of poaching (Eliason, 1999; Eliason, 2012; Wyatt, 2016). I argue that it is not a trans-historical term that should be uncritically adopted for research of crimes in contemporary rural Britain. While real poaching still exists, the bygone poacher construction was much derided by many participants of this research. It has been eclipsed by contemporary forms of offending, as described by a deer surgeon and animal welfare specialist who regularly gives expert witness statements in court cases related to these matters:

*'In most other places in the country, certainly in East Anglia, the Midlands, the Lake District, the South East, the people who are turning up to 'take deer illegally', are people who are coming into the area from elsewhere. So we dealt with a lot of long-dog deer coursing in East Anglia, where people would come down from, Peterborough, down from Birmingham and Derby and places like that'.*

(Deer surgeon, veterinary expert, 2017).

It was repeatedly reported in interviews with expert practitioners who were in possession of multiple years of local knowledge, that the real problems blighting the region were not poaching as legalistically defined and could not be explained with orthodox wildlife crime concepts. It was described to me as what can be more precisely designated as the 'illegal taking of deer'. A senior level expert practitioner with thirty years' experience of interacting with these crimes applied the following distinction between orthodox poaching and the definition of 'illegal taking' that is being advanced:

*'They [real poachers] have neither the permission to be on the land, nor most of them do they have legally held weapons. They were bringing deer down with long-dogs, sometimes at night, but very often at during the day as well.*

*You then have the gangs of poachers who are into all sorts of rural crime as well, if they see a quad bike standing about, they'll half inch that, they'll steal diesel, they'll steal whatever they come across, and also will be after the deer.*

*They're by and large nefarious people, they're criminals. And that was certainly the model that we encountered, and I've encountered, elsewhere.*

[distinction]

*The difference in the South West, is that the majority of deer that are 'taken illegally' are taken by local people, who know the ground very well and many of whom are operating on lands where they have permission to shoot.*

*And these people are generally not rural criminals. They're not thieves, they don't steal quad-bikes, they're just out for the deer'.*

(Expert witness and livestock specialist, 2017).

This fundamental distinction was backed up by other notable local experts. The following quote is from the lead of a Rural Crime Initiative and head park ranger:

*‘Basically, venison is commanding a premium at the moment and a lot of people that can do, have cashed in on it, so to speak. So we've noticed an increase in poaching on the moor. The type of behaviour they exhibit on the moor is not good and obviously that has an impact on our deer with regard to what they're taking. So that's more the poaching side, which is obviously entering ground and taking without permission, armed trespass, whatever else you want to call it.*

[Distinction]

*Now the other thing is, we also suffer with ‘illegal shooting of deer’ on the moor: I.E, they're night shooting, so that's another thing. They might be on ground they've got permission on, but basically they're lamping [blinding with bright spotlights] these deer and shooting them at night, so that's another thing we're up against.*

(Rural Crime Initiative lead and head National Park Ranger, 2017).

A necessary element of the illegal taking concept as indicated by this distinction can therefore be identified as the suspect either owning the land from which they are killing deer or having permission granted to legally enter and shoot over the land by the lawful property owner. Under these terms and that of the Night Poaching Act 1828, which stipulates poaching being socially constituted by the *entering of lands at night to take or*

*destroy game*, the illegal takers category of offender are not legalistically *poaching* from anyone, on that land, because one cannot 'poach' from oneself on one's own land. As such, situational crime prevention techniques are incompatible with offenders commissioning crimes from the haven of their own properties ensconced in deeply isolated areas. Indeed, according to key informants, some offenders had built make-shift hides or shooting towers and camouflaged them in undergrowth on their properties for the purposes of sniping deer as the animals unwittingly meandered over the assailant's deliberately under-defined property boundaries. The illegality here arises from other stipulations contained in the Deer Act 1991 and highlights the strengths of the social relations approach in explaining the process.

Further social properties constitutive of the category of illegal taking are the offender's local origins to the crime site, employment in an occupation that facilitates legal firearm ownership (which negates the serious crime of illegal firearm possession), access to plentiful deer habitats and legitimate access to some type of wild game meat supply chains. These are contemporary features of the dispatch and taking process that are not apparent in the antiquated poacher category of someone who was invariably property-less and not employed in respected rural professions, creates transient acquisitive offences inconspicuously, generally with dogs, rather than licensed guns and is invariably embedded in subterranean structures, not rural stewardship or commercial stakeholder positions (Nurse, 2011; Smith, 2011).

The phrase 'illegal taking' has been applied previously in theoretical analysis of poaching crimes (Eliason, 2012). It is however deployed in that work interchangeably with the orthodox term 'poaching' to denote traditional poaching offences and represents no ontologically distinct activities – it is an equivalent term. The category 'illegal hunting' has also been applied synonymously with the term 'poaching' in social constructivist

accounts of traditional poaching offences (Von Essen et al, 2014). Offenders in this case are also ‘the private owners of wildlife’, which distinguishes it from other definitions of illegal hunting (Duffy et al, 2015: 15). The concept being offered as ‘illegal taking’ here is not directly equivalent with the poaching category; it specifies sets of differentiated social relations that criminologically distinguish it from the ‘proper’ poaching classification. These are the core social properties that generate the *illegal taking* entity and place it at variance from the traditional poaching conceptualisation. It is an additional, contrasting category, to complement the historical poacher concept, not a redefinition of a chaotic concept.

A constituent element of the definition of ‘real poaching’ is that the items being poached have *value* to the owner. Value is likely to take the form of financial value, but also can be of moral or intrinsic worth (such as expressive or sentimental). The owner of the Powderham Estate in Devon has a plentiful deer farm, cares for the deer, and maintains proper ethical standards of farming them. That organisation values the welfare of the deer and gains financial value from the sale of high-quality venison, once they have been humanely slaughtered and properly butchered. Fish are highly valued on angling or private fishing farms, where prices are charged for a day’s fishing, as are pheasants to shooting estates that host game-shoots. In these cases, the value of the stock to the owners is clear. The same cannot be said for wild deer roaming on the undefined rural landscapes of the West Country, as this respondent highlights:

*‘Sometimes they are taking deer from other people's land, but with the tacit agreement of the landowner, because far from believing the deer to have a value to them, like pheasant, they are finding the deer to be a nuisance, and they want someone to do something about it’*

(Deer welfare expert, 2017).

Therefore, a further necessary condition of the illegal taking concept currently being advanced is that the deer do not hold any *value* to the 'owner', or the owner of the land the animal is upon. The 'owner' is often a reluctant one. Therefore, while to commercial farmers of deer, each professionally raised deer might represent £400 in venison product value once it has been sold to supermarkets or an organic artisanal bistro, to the general arable, beef or dairy farmer who value the worth of their crops or livestock, the deer represent at best an encumbrance and at worst a threat to profits. This is a separate concept to the deviant revenue protection (or 'Economic Criminals') model of industry based wildlife crime offered by Nurse, which it can be argued might be more precisely designated as a *revenue protection crime* (Nurse, 2011: 46). Nurse's model of offender is protecting revenue (they are not directly profiting from shooting protected birds of prey), while illegal takers are creating or adding revenue streams, in an ancillary professional model. They do so by illegally taking deer during their legitimate occupational roles as gamekeepers, farmhands or countryside custodians, while out shooting foxes or rabbits, or conducting other legitimate occupational duties. Deer are known to decimate saplings and shrubbery, which a farmer might be using to separate livestock. They are also notorious for taking bites out of beets, swedes and other vegetables, which the farmer might be producing as a core commercial activity. In unusual and extreme cases deer have been alleged to spread TB. This categorical distinction between the two mundane fauna crimes of what can be termed 'traditional poaching' and *illegal taking* was explained to me by a livestock welfare expert and deer surgeon in the following terms:

Researcher: '*Does the nub of the distinction [between 'poacher' and 'illegal taker'] come down to the farmers being aware and complicit in their actions?*



Expert: No, I think the nub of the distinction comes down to the value of the game being taken and the compliance of the landowner.

*If you're poaching grouse, or pheasant or hare or if you're poaching in a National Trust deer park or you're poaching deer in Richmond park or Powderham castle, they are 'poaching', because those deer belong to the Earl of Devon, who values them and those are people who have no business being there, they've entered illegally and it would be armed trespass, which is a separate offence.*

*If on the other hand a farmer has a problem with deer and he says I'm fed up with these deer trashing my silage crop or I'm fed up of these deer pulling up my fodder beets and taking one bite out of it and moving onto the next, will you come and do something about it, those deer have no value to him and he's complicit in the illegal shooting'.*

(Local deer surgeon and expert witness, 2017).

The strengths of the concept currently being advanced is its capacity to capture the contingent relational and context dependent aspects of the offending process being outlined. Nebulous and static, a-historical, categories such as 'black markets', 'organised crime' and 'poaching' direct thoughts to atomised events, often external to crime commissioning processes. Such analysis necessarily makes recourse to impoverished logics of criminal justice enforcement and crude rational choice claims. Instead, through a realist relational explanation and the adoption of novel concepts that capture such structured relations – between meat trader, complicit land owner, rural worker and collaborative nominal guardian, for example, emergent in isolated conditions favourable to the reproduction of those specific, necessary relations, our knowledge claims are more

accurate and the ontology of the problem becomes multifaceted while remaining coherent and precise.

## Conclusion

This exploratory article has introduced an original conceptual apparatus for conducting research and analysis on crimes against mundane fauna predominantly situated in rural regions. It has been maintained throughout that the orthodox representation of 'wildlife crime', is a chaotic conceptualisation. It has shown that this unrefined representation of the field unnecessarily overburdens the ontology of what constitutes 'wildlife crime', and that if we rethink about the way these crimes are instantiated, in reality, *wildlife crime* only exists as a phrase.

The new perspective of *mundane fauna crime* has been offered (in conjunction with and in contrast to megafauna crime), as a qualitative realist corrective to introduce parity and clarity to the field and to supplant the sub-optimal former concept. It was argued that the same general and capacious concept of 'wildlife crime' is misapplied to describe an eclectic array of tenuously linked offences, offenders and responses to crimes. So nebulous is the orthodox categorisation that it has an attenuated utility for explaining the heterogenous real problems aggregated within the term. Subsuming these diverse and externally related entities under one overarching framework, this article has argued, is problematic for the aims of accurate, objective, social science and the successful disruption of offending (Edwards, 2016: 253). The *mundane fauna crime* concept unifies meaningfully connected and necessarily related entities, while affording a more accurate rational abstraction to explain problems.

The concept of *the illegal taking* of deer was offered as a precise term that is historically contingent to explain a particular type of contemporaneous offending. A type of offending that in the South West of England tends to occur more frequently than, and is regularly misrepresented as, 'poaching'; the concept complements the outdated and imprecise terminology of traditional poaching, which is a qualitatively (socio-legalistically) separate offence, but one that is often committed by the same types of offenders, during the same temporal periods and in the same material contexts. The offending event pivots from poaching to illegal taking when the mundane fauna, such as wild deer, are shot and taken from lands that the (illicit) dispatcher has legal permissions to be upon and with the acquiescence of the owner, or owns the property themselves. As such, the emergence of the *illegal taking* process is a tendency of the social relations between licit and illicit stakeholders of rural-centric commerce or property ownership. These context-dependent, contingent conditions, which actualise crime processes, fall outside of the epistemic capacity of empiricist theories (Archer, 1995:1-20). Explanation and regulation of such offending is therefore external to traditional criminal justice theorisation and instead requires politically sensitive sociological and historical accounts of offending processes (Edwards and Hughes, 2005).

These reformulations are intended as comprehensive refinements for the conceptual analysis of offending against low-profile, common placed, 'mundane' species. The concepts structure internal, substantial relations of connection: entities of likeness, compatibility and contextual coherence. They avoid haphazardly constructed abstractions of events, which might be better dealt with by other disciplinary specialisms, outside of green, rural, food and 'wildlife' criminology's scopes, such as critical public policy, entrepreneurial and rural business studies, food security and land management. This reading unburdens resource starved policing agencies as the sole governance

agents of the issues raised and instead problematises the agendas of policy makers, rural stakeholders and managerialist functionaries who degrade environment legislation and subordinate eco-centric imperatives. It is hoped that these contributions will be of benefit to the explanatory aetiological social sciences on mundane fauna crime in rural regions and will assist in the development of practical solutions for reducing crimes against common non-human animals.

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