



The Board's Dilemma – Bending the Rules to Protect a Local Cryptid

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Abstract

Cryptids – animals that are sometimes observed but have not been scientifically verified – can be said to belong to the realms of myth or imagination. They are often strongly associated with particular regions and landscapes, and are therefore frequently used for tourism, marketing, and regional branding purposes. Consequently, public authorities and government agencies must sometime navigate their relationship to these animals that may – or may not – exist. In this article, we discuss the Jämtland County Administrative Board's decision in 1986 to safeguard a local cryptid, the Great Lake Monster. By following the Board's handling of the case, we show how authorities, organizations, and private individuals apply conventional laws to an unconventional case, in unconventional ways. We introduce the term “playful legal space” to describe the space established by the Board in their attempt to navigate the tension of two simultaneously overlapping social frameworks – nature conservation of verified species and heritage preservation of a culturally important cryptid. The term introduced offers great potential to scholarship of various fields, and in further developments in understanding creativity in cultural and social life.

Keywords: Playful legal space, cryptozoology, Great Lake Monster, Street level bureaucracy, organisations, play theory, nature conservation.



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Introduction

During the 1980's, at least three species received legal protection in the county of Jämtland, Sweden, through decisions of the County Administrative Board: the freshwater pearl mussel (*Margaritifera margaritifera*), the musk ox (*Ovibos moschatus*), and the Great Lake Monster (*Storsjöodjuret* in Swedish). Whereas the pearl mussel and the musk ox are scientifically verified species, the Great Lake Monster is a cryptid, a cryptozoological being, that is, an animal that is sometimes observed but has not been verified by the scientific community (Loxton & Prothero 2013, Swahn 1990, Welinder 1998, 2004, Regal 2009, 2011, Rossi 2016, Hurn 2017, Bubandt 2019).

Cryptids can be said to belong to the realms of myth or imagination, and to hold a liminal space in their uncertain status of existence. Despite – or maybe thanks to – their ambiguous nature, such animals often receive an important (and although emotionally grounded, sometimes also capitalized) role, both by individuals claiming to have seen or encountered them, and for the regions where they are said to exist (Spitzer 2008, Magin 2016). These creatures are utilized for tourism, marketing, and regional branding purposes, in cultural heritage processes (Welinder 1998, 2004), local identity formation (Magin 2016) and in shaping individual identity narratives (Händén-Svensson 2024a). The Loch Ness Monster in Scotland, known as “Nessie”, and the Norwegian lake serpent of Seljordsvatnet, called “Selma”, pose well known examples. Consequently, and as illustrated below, public authorities and government agencies must sometime navigate their relationship to these animals that may – or may not – exist.

In this article, we take as our starting point the Jämtland County Administrative Board's decision in 1986 to safeguard the Great Lake Monster. At first glance, this decision should not be possible, as the Great Lake Monster is not a real animal. By following the Board's handling of the case, we show how authorities, organizations, and private individuals, through acts of playful rule-bending, utilize the ambiguousness of the phenomenon. By applying conventional laws to an unconventional case, in unconventional ways, they establish what we here define as a *playful legal space*, thereby enabling the protection of a cryptid. These strategies are later called out and criticized by higher authorities, ending the playful framing of a cryptozoological being as protected. As comparative case studies, we also study documents from the cases leading to the same Board's protection of the freshwater pearl mussel and the musk ox, during the same time period. The three cases share formal similarities but also reveal essential differences, highlighting the special status of the Great Lake Monster, and confirming the Board's mingling of laws and bureaucratic processes, monsters, and play.

We explore the following research questions:

- Which laws are invoked/used in the different phases?

- How can the bureaucratic process of protecting a cryptid be understood as a form of playful rule-bending?
- How do the three phases of the protection process demonstrate different approaches to the legitimacy of the playful legal space established?

To answer these questions, we combine monster theory with sociological and folkloristic perspectives on play, and theories on street level bureaucracy and rule bending. This positions our discussion as a contribution to monster studies by broadening the investigation of Swedish monsters; to ethnology and organisational studies by providing examples of play as a form of rule-bending in bureaucratic authorities; to cultural geography by exploring the connection between cryptids and landscapes; and to cultural heritage studies by examining the legal limits of using local phenomena for tourism, regional branding, and the creation of symbolic place identities.

The Great Lake Monster – a short introduction

Since at least the seventeenth century, there has been documented folklore about a lake serpent causing mischief and haunting in Lake Storsjön, Jämtland, Sweden. In an early understanding of this lake serpent, it was perceived as a “rå,” a spirit that governs a specific place. At that time, the lake serpent “existed” in the world of spirits, which was part of the same cosmological belief system as human reality. As a response to scientists like Linnaeus and Darwin permanently rewriting the systems used by academic disciplines such as zoology and botany to explain the world in the eighteenth and nineteenth centuries, individuals started reporting observations of a large lake serpent – observations of what was perceived to be a yet unidentified species. People around the lake, as well as researchers from various parts of the country, began to wonder whether the folkloric creature that was observed might actually be a real animal (Lönnerberg 1898, 1899a, 1899b, Olsson 1899, Wibling 1900).

During the late nineteenth century, local and national newspapers reported on observations of the mystical animal, and individuals from all social classes observed it. What can best be described as a “Great Lake Monster Frenzy” arose, and in both Jämtland and nation-wide the cryptid was on the almost daily agenda: a search in the digital online archive of daily newspapers published in Sweden shows 217 posts about the Great Lake Monster in 1898, 219 in 1899 and 224 in 1900, each year with a significant increase in reports in the late summer (Ullstad 2018). This even caused Swedish author Hjalmar Söderberg to comment on the phenomenon in his novel *Doctor Glas* (1905: 53).

Despite persistent attempts to capture what in the newspapers and vernacular

talk eventually became known as the Great Lake Monster (*Storsjöodjuret*), no animal was found, and researchers soon concluded that the phenomenon claimed to be observed was merely an idea: amazing stories by amazing storytellers, wrongful interpretations of natural phenomena, tricks of the eye or of mind, or wishful thinking. Yet, despite the lack of scientific verification and the zoologists' sceptical stance on the matter, people continued to observe the so called "hidden animal," a tradition comparable to events in other parts of the world and other waters; the before mentioned Nessie and Selma, Mkele-Mbembe in the Kongo basin, Ogopogo in Lake Okanagan (Gaal 1955, 2001), Champ in Lake Champlain, as well as land based cryptids such as Bigfoot and Sasquatch in North American woodlands (cf. Merger & Gagnon 1988, Dendle 2006, Loxton & Prothero 2013, Magin 2016, Rossi 2016). In this process, the Great Lake Monster was transformed into a cryptid, a liminal being (Händén-Svensson 2024b).

Cryptids such as these are often strongly associated with their particular region and its landscape, and are therefore repeatedly made into symbols for those regions (cf. Händén-Svensson & Jansson 2022, Loxton & Prothero 2013, Magin 2016). As a tourism developer in Jämtland, Anne Adsten, explained it in an interview in 2021: "The Great Lake Monster is a part of us, a part of who we are". This same identification can be found in stories surrounding other cryptids as well (Botsford 1999). Tourism actors thus frequently make use of the Great Lake Monster in regional branding processes, such as for example maps of the area illustrated with drawings of the serpent, or serpentine shaped snow sculptures welcoming visitors to the city of Östersund. In addition, individuals express a sense of belonging to the place and landscape through their observation narratives (cf. Händén-Svensson 2025). Alongside this, for many individuals (although not all!) in the region the Great Lake Monster has become a beloved idea. People like their monster, and feel both pride and joy when they think of it. To people who care for it, it both creates, communicates, and emphasizes a shared cultural past, meaning-making, and belonging of, in and to this place. These processes are crucial as a backdrop to the events playing out in the protection of the imagined, yet historically and locally important, animal.

Theoretical framework

In this article, we combine perspectives from the emerging field of monster theory (Mittman 2012, Eriksson 2021, 2023, Cohen 1996) with play theory and theories on street-level bureaucracy, to explore how the protection of the Great Lake Monster was enabled and meaningful in the local community at one time, yet impossible to uphold at another time and in another place.

Central to our discussion is the fact that the phenomenon in question is a

cryptid – a monster. Ontologically and epistemologically, the cryptid emerges from questions about the possibilities of the natural world, the reliability of sensory perception, and the boundaries between reality and fiction. Monsters can serve as analytical entry points for exploring how we conceptualize existence and what it means for something to exist (Eriksson 2021: 183-188), and as entry points to analyse cultural, societal and psychological processes.

Monster studies offer analytical tools for examining the borderlands of the real and the imagined, fact and fiction, and physical reality and cultural life. Cryptids in particular occupy an ambivalent category of monstrosity, being both monster and not monster, depending on the epistemological views of the observer. The Great Lake Monster is thus perceived as a monster only by those who recognize its liminal and ambivalent ontological status, whereas cryptids are understood as real animals within the cryptozoological community. The cryptids' legendary status has transformed them into spectacular and unbelievable creatures in narrative (Heuvelmans 1983).

In this sense, cryptids are undoubtedly liminal beings. The moment a cryptid is scientifically verified, it will be reclassified – from monster to animal. This creates a productive tension for the monster researcher, as “all ‘monsters’ are constructions, even those that can clearly be traced to ‘real,’ ‘scientifically known creatures’” (Mittman 2012: 1). As constructs, and as Weinstock (2020: 2) points out, monsters may resonate differently through different temporal and spatial situations, which, as we will show below, becomes crucial for the administration of protecting the Great Lake Monster.

To account for the tension between the ontological instability of the Great Lake Monster, and the formal administrative practices of protecting species, we here introduce the concept of a *playful legal space*. The concept aims to capture situations in which formal legal or administrative frameworks are utilised together with play, humour, or irony, to both confirm and challenge existing juridical, administrative or epistemological systems.

Previous research provides important insights into how and why bureaucrats depart from formal rules, but does not capture situations framed by or legitimized through play or humour. Research on street-level bureaucracy has shown how public officials may engage in practices such as workarounds, rule-bending, or non-compliance, to make everyday administrative work possible, or to promote particular interests (Lipsky 1980, Bozeman et al. 2021). Employees may only partially follow a rule or depart from its requirements, take advantage of the rule's lack of clarity, potential loopholes, or multiple possible interpretations (Borri 2017: 79, Bozeman 2022: 38-39). When prevailing categorizations, norms, laws, and regulations are challenged, ignored, or adapted for specific purposes in such ways, ambiguous “grey areas” are created, as practices and understandings other than the

usual ones become possible, while also putting bureaucrats at once inside the legal system they are working in, and in confrontation with it (Cunha & Cabral-Cardoso 2006). This may lead to unpredictable and partial decision making, and even corruption (Borrey 2017, Hilmer Pedersen & Johannesen 2018). More positive perspectives on bureaucratic rule bending emphasise its empathic and prosocial aspects, as bureaucrats may bend rules with the benefits of a client, patient, citizen or service recipient in mind (Borrey & Henderson 2020: 47).

Play, in its turn, can with Gregory Bateson's definition be described as an advanced form of communication, in which participants use meta-communicative play signals – such as word choice or tone of voice – to indicate that what is being said and done is both real and pretend, and therefore should not be interpreted literally (1999 [1972], cf. Gustafsson 1995, Gustafsson 2002: 26, cf. Huizinga 2016 [1938]). In play, real actions are imitated, though the mimicry is not intended to carry the same meaning as the original actions. Within the framework of play, behaviours that would otherwise be unacceptable are enabled (Bateson 1999[1972], Goffman 1974, Gustafsson 2002: 153). This merging of seemingly incompatible phenomena can give rise to paradoxes or challenge established categories (cf. Bateson 1999[1972]: 16, Norrick 2003, Engman 2014: 22, Jönsson & Nilsson 2014: 11). Play is thus a way to frame and understand a social situation, with agreed-upon rules that participants must relate to (Goffman 1974). A formal administrative process is another such framework and can at least be expected to entail entirely different behaviours.

As we will see below, the County Administrative Board and certain other actors use linguistic ambiguities and humour to establish a playful legal space, where the legitimacy of the protection of a cryptid is enabled and affirmed. While referring to laws, regulations and routines as if the animal in question was an ordinary one, all parties seem to understand that something else than nature conservation is actually communicated. We define playful legal spaces as situations in which formal legal or administrative procedures are outwardly invoked; where playful meta-communicative signals such as humour, ambiguity or absurdity simultaneously seem to challenge this framework; where the involved actors therefore can be assumed to share an understanding that these procedures or decisions do not mean what they usually do; and that this enables decisions or actions that would otherwise be legally, administratively or epistemologically invalid. These decisions are, to our understanding, likely perceived – rightly or wrongly – as harmless, culturally valuable, or beneficial to a local community, to matters of cultural heritage, or to individual citizens.

Empirics and data

The process of protecting the Great Lake Monster can be divided into three phases: in 1985–1986 the protection was investigated, and a formal decision was adopted. In 2002, a private individual applied for an exemption from the protection ban, eventually leading to the Parliamentary Ombudsman in 2004–2005 investigating the County Administrative Board's actions, resulting in the protection being revoked. We have previously discussed the events of Phase 1 in detail elsewhere (Händén-Svensson & Jansson 2022).

The main material consists of nearly 200 pages related to the protection of the Great Lake Monster. The oldest documents are from 1962, the most recent from 2008. In addition, supplementary material has been analysed. This includes documents concerning two other protection cases handled by the County Administrative Board of Jämtland in the 1980's: the protection of the musk ox in 1980 (County Archive 11-122-2667-1979), and the protection of the freshwater pearl mussel in 1989 (County Archive 2719-102-1989). An interview was also conducted in spring 2025 with an official who worked at the County Administrative Board at the time of the protection and who retired during the initial stage of Phase 3.

Like all archival sources, the analysed material has its limitations (Hörnfeldt 2011, Jönsson & Nilsson 2017, Geschwind & Jansson 2022). We lack insight into written communication that, for various reasons, has not been preserved, and the material cannot provide a complete picture of the conversations and considerations that took place alongside the documented process. There are gaps in the sequence of events, and our knowledge of the relationships and intentions of the involved actors is limited. However, the analysis has been conducted with an understanding of possible underlying motives for why the protection was initiated and carried out, illuminated both through the documents themselves and through the interview with the official initiated in the case.

The events discussed took place about three decades ago, and some of the individuals involved are still alive. In the material, people are mainly referred to by their professional roles and initials, which emphasizes that the analysis focuses on institutional patterns of action rather than individual deeds. Anonymization has not been deemed necessary nor possible, as the individuals in question are already well known in the local community. The material is public, and the public decision – with its detailed and in some respects remarkable documentation – was reported in the local press and by the Swedish News Agency (*Tidningarnas Telegrambyrå*). It is also available to the public through the museum Jamtli's exhibition on the Great Lake Monster.

Phase 1: The Board's dilemma

In January 1985, the County Administrative Board in Jämtland sent out a memorandum and referral stating that they were investigating the possible protection of the Great Lake Monster, asking the referral bodies to please provide the Board with information about what species the Monster was, and its Latin name. At that time, protection cases were still mainly processed at county level, whereas they are now primarily decided by a national agency – the Swedish Environmental Protection Agency (SOU 2021: 51). Usually, protection processes are initiated by national or regional authorities, motivated by scientific assessments. For instance, the musk ox's extended protection in Jämtland in 1980 was first recommended by the Swedish Environmental Protection Agency, whose formal proposal encouraged regional agencies to decide on appropriate actions. Similarly, the protection in Jämtland of the freshwater pearl mussel in 1989 was argued for by an official at an environmental office, supported by a comprehensive 70-page report. In both cases, the pronounced aims were to protect animals from documented disturbances or pearl fishing, which had proved to threaten the well-being and survival of individuals and the species as a whole.

In the case in focus here, however, the prompt to protect the Monster came from the Tourist Office in Östersund, who a few weeks earlier had written to the Nature Conservation Unit at the Board, to point out that the Great Lake Monster apparently was not protected from hunting or capture. It *might*, the letter noted, be indirectly protected under §1 of the Hunting Ordinance (SFS 1938:279), which stated that wild mammals and birds belonging to a species for which there is no general hunting season are protected year-round. "But what if the Great Lake Monster is neither a mammal nor a bird?" the Tourist Office wondered. "Then there is currently no protection. That is, of course, unacceptable and should be corrected as soon as possible." It would not do for Jämtland's internationally known and unique species to be unprotected. The Tourist Office therefore requested that the County Administrative Board issue a protection of the Great Lake Monster, under §14 of the Nature Conservation Act (SFS 1964:822). The act dictated the conditions for legal protection of species, and stated that the authorities could ban the killing, harming, or capturing of wild animals of a threatened species, as well as any removal or destruction of its eggs, roe, or nests.

That the request to protect the Great Lake Monster came from a Tourist Office indicates that it considered a protection of the regionally significant cryptid as beneficial for local tourism, and that the motives in this case might concern a form of culture, rather than nature, conservation. As mentioned above, the Great Lake Monster is frequently used in the regional branding of Jämtland. For instance, the Tourist Office's own letterhead was topped with a stylized logo of the monster, inspired by a sculpture created by Einar Hagnestad in 1982. The statue often

appears in photographs from the city and has been reproduced in many formats.

Some days after receiving the letter, officials at the Board initiated the process to protect the monster. The director of the Nature Conservation Unit, OT, prepared a draft for the referral and its distribution list, and sent it for a review to his colleague MD, director of the Environmental Protection Unit. The draft was then sent for approval and “blessing” from the deputy governor LC, who responded that the draft was excellent: “Let’s play along. O.K. from my side then.” he wrote on a note accompanying the draft.

The Board did face a tricky situation. It was obliged to process all submitted cases – regardless of whether these appeared “sensible” or not.¹ Yet why they chose to proceed in the way that they did, and what their motives were to, in LC’s words, “play along” with the Tourist Office’s unconventional request, we cannot know for sure. We have, however, interpreted their willingness to initiate the process as an indication that they, too, saw economic and symbolic potential in the protection of the monster, and that this was believed to have the potential to benefit the region.² As a local authority with regional development as part of its mission, it might be difficult for the County Administrative Board to publicly state that the Great Lake Monster did *not* exist, and to dismiss the case on that ground. However, protecting a species by the application of the Nature Conservation Act presupposes that the species is scientifically verified – which the Great Lake Monster is not. How was the Board—a public authority obliged to follow laws, procedures, and regulations—to accomplish the protection of a locally emblematic cryptid within their administrative framework, without any scientific evidence of its existence? The referral round, which we will now turn to, can be understood as a creative strategy to manage this dilemma through a playful form of bureaucratic rule-bending, as the officials faced a situation where the rules and their aims were at odds with each other (cf. Borry & Henderson 2020: 46, Bozeman 2022).

RSVP: April 1st

In the memorandum dated January 24, 1985, the County Administrative Board outlined the existing protections for mammals, birds, various aquatic species, and insects under the Hunting Ordinance, the Fisheries Regulation (SFS 1982:126), and the Nature Conservation Act, and what this means for the Great Lake Monster’s

¹ As a former employee explained in our interview, an earlier request for protection of the Great Lake Monster, submitted in 1962, had been shelved, but according to him, this was fundamentally a mishandling.

² It has, for instance, been suggested to us that the protection was connected to the celebration of Östersund’s 200th anniversary in 1986 and that it was used as a way to draw attention around the jubilee (see also Dagens Nyheter 1986-01-25).

situation:

All wild mammals and birds are protected under §1 of the Hunting Ordinance unless a general hunting season is prescribed under the Hunting Season Regulation. There is currently no hunting season for the Great Lake Monster. If the Great Lake Monster is a mammal or bird, it is therefore automatically protected.

Regarding fish, lobster (*Homarus*), crayfish, Norway nobster (*Nephrops*), shrimp, crab, (*Cancer*), squid, oyster, and lamprey, the provisions of the Fisheries Regulation apply. These animals are not automatically protected; protection is granted in specific cases under §§5–7 of the Fisheries Regulation. The Great Lake Monster is not protected under these provisions.

Other animal species, (...) may be protected under §14 of the Nature Conservation Act. There is not currently any protection for the Great Lake Monster under this provision.

The problem in connection with protection is thus to determine what kind of animal the Great Lake Monster actually is.

Hence, the referral bodies were asked to help the Board by answering two questions: “What kind of species is the Great Lake Monster, and what is its Latin name?” The requested response date was April 1, 1985.

Formally, the case was processed in a way similar to the other two studied cases: a memorandum with its appropriate heading and formal layout, a reference number, and official stamps, was sent out to referral bodies who were encouraged to send the Board their comments on the case. Yet some aspects differed markedly. In the musk ox case, the referral was sent to neighbouring counties, municipal authorities, the police, Sami villages, hunters’ associations, tourism stakeholders, and nature conservation bodies, as well as to Norwegian authorities. The freshwater pearl mussel referral was distributed to the Environmental Protection Agency, the Swedish University of Agricultural Sciences, the fisheries board, the national fisheries administration, and the county of Härjedalen. By contrast, the Great Lake Monster referral was sent to 18 recipients, including boat clubs, yacht clubs, the county museum, and student societies – alongside a few more expected recipients such as fisheries boards and environmental units.

There are a number of cues in the memorandum that imply, and are likely intended to imply, that the Board might not be wholly serious with their request of information. Among these are the deadpan posing of absurd questions to

unconventional referral bodies with little knowledge about biology, the choice of April 1 as a deadline, the treatment of the possible existence of the Monster as a non-issue, and the complete absence of any acknowledgment of the matter's sensationalism. These can all be regarded as *play signals*; as metacommunicative acts stating simultaneously that this is to be taken for real, and this is not to be taken for real (cf. Bateson 1999). Consequently, through such an act of play, the public authority was able to establish a legal and bureaucratic space where the potential legal protection of a cryptid could be presented as conceivable, thus existing at once within and outside established structures and conventions (cf. Cunha & Cabral-Cardoso 2006: 217).

A total of seven referral responses were received during the spring, differing significantly in tone, factuality, and content (see further Händén-Svensson & Jansson 2022). Of these, two explicitly addressed the legal aspects of the issue. The fisheries inspector in Härnösand clearly dismissed any possibility of protecting the Great Lake Monster, citing applicable legal paragraphs and scientific practice, thereby stating that a species cannot be protected without scientific verification. He thus disqualified the contradictory space that the County Administrative Board had opened and immediately rejected the playful framing they had constructed.

The Uppsala-based association Samfundet Storsjöodjurets Vänner (Friends of the Great Lake Monster) similarly dismissed the validity of the Board's referral – but for entirely different reasons. According to them, the Great Lake Monster was already indisputably protected, thanks to the association's persistent efforts in the 1960s. In their response, the chairperson claimed credit for the amendment of the Hunting Ordinance at that time. As the Hunting Season Regulation did not specify a hunting season for the Great Lake Monster, it was automatically protected, they argued.

The remaining referral bodies approached the question of classification in widely varying ways, most of which included elements of humour, irony, hyperbole, oxymorons, and parody. In doing so they both adhered to and deviated from the conventions of the referral genre, thereby simultaneously appearing to affirm and reject the legitimacy of the protection process. Jämtland County Museum (later Jämtli) appeared to take the question seriously, although they did not comment on the protection itself. They emphasized that what has been considered real or imaginary has varied throughout history – and that the Great Lake Monster exists somewhere in the borderland between these two epistemological extremes. The Fisheries Board of Jämtland classified the Great Lake Monster as a fish but mixed oxymorons with hyperbolic conspiracy theories about large-scale hunts for the monster organized for German millionaires; and the Great Lake Sailing Society humorously classified the monster as AVESPISCESMAMMALIA – a combination

of bird, fish and mammal. The informal President of the Republic of Jämtland³ similarly combined incompatible species traits to declare it “150% monster.” Taken as a whole, the referral bodies did not provide unified support for the protection of the Great Lake Monster, with the Federation of Fishing Water Owners being the only actor to explicitly endorse protection.

Nevertheless, in January 1986, the decision to protect the Great Lake Monster was signed by the Board’s representatives:

With support from §14 of the Nature Conservation Act (...) the County Administrative Board hereby issues a ban on killing, harming, or capturing live animals of the species Great Lake Monster within Lake Storsjön (in central Jämtland). The ban also applies to the removal or destruction of the Great Lake Monster’s eggs, roe, or nest.

The decision was sent to local media, the Swedish News Agency, the county’s legal bulletin (23 FS 1986), and the Swedish Environmental Protection Agency. A comparison to the two other cases from the 1980’s support our interpretation that the protection of the Great Lake Monster functions primarily as a communicative act, likely intended to strengthen tourism and cultural heritage values. The legal frameworks referred to in the decisions are the same: the musk ox was also protected under §14 of the Nature Conservation Act, and the freshwater pearl mussel was protected under §6 of the Fisheries Regulation – a law also referred to in the monster case. But these two protections clearly aimed to prevent actual harmful actions against actual animals, and to enable actual legal consequences. Hence, the formal decisions were distributed to all municipalities in the county, where it was posted publicly, as well as to referral bodies and local newspapers. The musk ox case was communicated to police authorities, hunting and conservation actors, Sámi villages, and tourism organizations, reflecting that the protection was to have concrete legal and practical consequences. These two species were also affected by the actions of other authorities and actors, with national and international initiatives and conventions aimed at protecting them – such as the Bern Convention, which mentions both (SÖ 1983: 30).

When compared to these two other protection cases from Jämtland in the 1980’s, it thus becomes clear that the bureaucratic process to protect the Great Lake Monster imitates a conventional process – with referrals, responses from bodies, and formal references to legal acts – but simultaneously signals something else. The play signals, the selection of referral bodies, and the omission of certain actors

³ The Republic is described as a humorous and cultural initiative with serious undertones, in support of the preservation of Jämtland’s culture and language, and a reaction to emigration from the region and the national authorities focus on the larger city areas (Wikipedia 2025).

from the process indicate that the case was not intended to have the same real consequences as the other protections.

For almost two decades, the ban merely existed as a formal decision added to the county's collection of status, and as a framed photo copy on the county museum's permanent Great Lake Monster exhibition. This was however about to change in the early 2000's, when a somewhat unusual request to the Board activated and challenged the ban, thereby initiating a series of new legal and bureaucratic processes related to the Monster, and eventually leading to the upheaval of its protection.

Phase 2: The protection put to test

In November 2002, a private individual living in the Stockholm area, sent a letter to the County Administrative Board of Jämtland. He had read on the board's website "that it is forbidden to, among other things, collect eggs from certain species in our fauna." He now applied for a one year long exemption from the ban on collecting eggs from the Great Lake Monster. His intention, he later added to motivate his request, was to collect eggs, hatch them, and raise specimens to be displayed in a wildlife enclosure. This could form the basis for an experience centre in Jämtland, which he hoped would contribute to business development in the region. Again, we do not know what motivated the applicant, but our interpretation is that he wanted to test the validity and premises of the protection. The County Administrative Board had, in its decision, prohibited the collection of the Great Lake Monster's eggs, and if an authority has done so, it is reasonable for the public to assume that the Monster exists, that it lays eggs, and that these eggs could be collected. Consequently, the applicant's claims can also be interpreted as an act of play, as he, too, acts as if the Monster undoubtedly exists whilst making requests so extreme that their seriousness can be questioned. This challenge of the ambiguous legal space on which the protection depended was not welcomed by the case officers at the Board, who, according to the officer interviewed, tried to persuade the applicant to withdraw his request – but in vain.

By activating the twenty year old ban in this way, the applicant sets in motion a handling of the case where the claim "this is real" trumps the implied "this is not real" of the protection case, as the legal restrictions surrounding the Monster must now be actively negotiated. In its subsequent communications of the case in this phase, the County Administrative Board maintained the position that the Great Lake Monster is an existing species, whose protection was valid and whose need for conservation measures justified, thus maintaining the rule-bending practices that had proven valuable in the local context. To acknowledge the Monster's ambiguous status as either a real animal or a creation of the imagination, would thwart the

very premises on which the protection was based, which was the denial of any such ambiguousness.

The case was sent for referral to the tourism-oriented project “Around Lake Storsjön with the Great Lake Monster”, to the association Storsjödjurets Vål (the association to promote the wellbeing of the Great Lake Monster), the association Friends of the Great Lake Monster – which figured in the first process – and to the so called “Great Lake Monster expert” at the county museum. In this phase, the referral bodies were thus explicitly connected to the Great Lake Monster, as boat clubs and diving associations were no longer involved. As the selected recipients also show, several new associations and initiatives had now emerged that either advocated for the interests of the Great Lake Monster, or used it to promote various regional interests. This can further be understood as a confirmation of the Monster as a locally valuable cultural heritage.

All four referral bodies opposed granting the exemption and, in different ways, emphasized the validity and legitimacy of the existing protection. They thus acted to ensure that the legal space established by the County Administrative Board during the protection process would remain. After the referral round, the County Administrative Board informed the applicant that they considered rejecting his exemption request and asked him to submit any comments. They also informed him that wildlife enclosures are regulated under Chapter 12, §11 of the Environmental Code. This response was dated April 1, 2003. We cannot determine whether the date was intentionally chosen for its connotations, nor if the signing official was aware that this was nearly twenty years to the day after the original referral response deadline.

In June 2003, the County Administrative Board finally informed the applicant that the request for exemption was denied:

The County Administrative Board finds that, in this matter, nature conservation reasons should weigh most heavily. In the Board’s opinion, the best way to preserve [sic.] the Great Lake Monster is to leave it to develop freely without human interference or intervention.

The applicant immediately appealed the rejection to the government, in accordance with the instructions that accompanied the rejection. In his petition, he reiterated his intentions to raise individuals of the species to be displayed in a wildlife enclosure, which was intended to increase knowledge about the species, benefit the local economy, and create new jobs. “I hereby request that the government overturn the County Administrative Board’s decision and grant me an exemption from the ban on collecting eggs from the Great Lake Monster for a period of one year.”

Up to this point, then, the validity of the protection itself had not been

questioned, as all involved had acted as if it were valid. This changed with the applicant's appeal to the government, as a whole new set of laws and acts was activated, and as the epistemological status of the Monster and the obligations of the Board was brought into focus as the principal matter at stake.

Phase 3: The playful legal space collapses

What characterises this third and last phase of the history of the protection of the Great Lake Monster, is that the ambiguous playfulness that characterised the initial two phases is now wholly absent, as all involved actors speak more clearly on the matter. The government office the applicant appealed to immediately transferred the case to the Environmental Court in Östersund, in line with Chapter 19, §1 of the Environmental Code (SFS 1998:808), and the Species Protection Ordinance (SFS 1998:179). After reviewing the documents, the Court dismissed the appeal in its entirety, stating the fact which the Board had never publicly touched upon:

[The applicant's] exemption request concerns a scientifically unverified animal species. [The applicant] therefore cannot be considered to have a legally protected interest in having the matter tried. (Case No. M 3033-03)

Shortly thereafter, in March 2004, the Parliamentary Ombudsman (JO) inspected the Environmental Court.⁴ During the inspection, the appeal case caught the Ombudsman's attention, and it initiated an inquiry into how the County Administrative Board of Jämtland had applied the protection decision and requested all documents related to the case.

Two months later, the Ombudsman announced that, in light of the Environmental Court's conclusion, the ban was considered to lack legal effect. It asked the County Administrative Board to comment on whether this necessitated a regulatory amendment or other actions on their side. With this involvement of the Parliamentary Ombudsman, the tone and behaviour of the other actors in the protection case shifted. The playful ambiguities, puns, and humorous exaggerations that had characterized the proceedings up to this point were toned down in favour of plain language. At the County Administrative Board, the newly appointed chief legal officer, PL, now led the case and, in brief and factual referrals, requested statements from the involved parties.

The association Storsjöodjuret, previously known as Storsjöodjurets Vål,

⁴ The ombudsman is appointed by the Swedish Parliament to ensure that Swedish authorities follow the laws and regulations governing their operations.

continued to advocate for protection. Its representatives pointed out that the difficulty in classifying the Great Lake Monster was the key issue in the original protection decision. “Does protection require that the species in question be scientifically classified?” they asked, noting that as long as there is no classification, it is unclear whether the Hunting Ordinance or the Fisheries Regulation applies to the Great Lake Monster, and that it therefore risks lacking automatic protection outside hunting season. That the Great Lake Monster exists is, according to the association, beyond doubt: “The presence of the Great Lake Monster in the sensory world has been confirmed over a long period by a large number of credible eyewitnesses.” Classifying it, however, seems impossible as long as no dead specimen is found, and therefore the phenomenon remains “a cryptozoological occurrence, perhaps of an officially extinct species.” Thus, it is more important to protect the interests that the protection aims to safeguard – to shield this aquatic species from harm – which should still be possible under §14 of the Nature Conservation Act, especially if an explanatory addition is made to clarify what is meant by “the species Great Lake Monster” as used in the protection wording.

The County Museum now, too, addressed the question of whether, and in what ways, the Great Lake Monster exists, and what this means for its protection. For several decades, it notes, great importance has been placed on preserving as many species as possible to ensure biodiversity.

This biological way of thinking naturally also applies to the Great Lake Monster, but not only as a potentially existing living animal, but equally as a folkloristic phenomenon. One could say that the Great Lake Monster exists when there are (and have been) people who say it exists, regardless of whether its physical existence can be proven in a scientific sense or not.

The museum therefore emphasizes the importance of preserving such phenomena, which may appear “magical, mysterious, and inexplicable,” and that the protection supports this.

In the final statement from the County Administrative Board’s legal function, signed by Governor MM and Chief Legal Officer PL, the responses from the referral bodies regarding the species question, and the possible existence of the Great Lake Monster, are summarized, after which the County Administrative Board presents its view:

The question of the Great Lake Monster’s existence depends on the perspective from which the issue is approached. The Environmental

Court has concluded that the species has not been scientifically verified. The County Administrative Board refrains from taking a position in this matter on whether the Great Lake Monster exists in such a way that the species can be subject to protection. However, it is clear, in the Board's opinion, that the Great Lake Monster exists in the sense that it exists in people's sensory world.

In its statement, the County Administrative Board agrees with the Ombudsman's assessment that the Environmental Court's decision means the 1986 protection decision lacked legal effect. Since public authority in Sweden must be exercised under the law (Chapter 1, §1 of the Instrument of Government) and given that the courts are the primary interpreters of applicable law, the County Administrative Board, as a state authority, should not act in any way other than to revoke the decision to protect the Great Lake Monster.

In its final remarks, the Ombudsman concluded that the Instrument of Government requires administrative authorities to observe objectivity and impartiality, and that in the appeal case, the County Administrative Board "by issuing the regulation, did not observe the constitutionally mandated requirement of objectivity," and that the court therefore dismissed the appeal since the protection should not be applied. It is rare for the Parliamentary Ombudsman to determine that authorities have failed in objectivity in their communication with the public, according to a report from the Swedish Agency for Public Management, which cites the criticism of the County Administrative Board's use of humour in this case as one of few such examples (Statskontoret 2024: 56). That one of the Board's responsibilities is to promote tourism in the region did not outweigh "the obvious requirement that those performing duties in public administration do not spend time and effort on matters outside their obligations and responsibilities," the Ombudsman concludes.

The Ombudsman emphasized the importance of authorities not exercising their power in unintended ways. Furthermore, it questioned whether the extensive investigative work leading up to the protection was justified, and whether it was defensible for the County Administrative Board and higher authorities to be burdened with handling cases related to the protection of the Great Lake Monster. Since the County Administrative Board had already stated in its response that it intended to revoke the protection, the Ombudsman assumed this would happen promptly.

The decision to revoke the protection of the Great Lake Monster was signed by the governor and the chief legal officer, and justified with reference to §27 of the Administrative Procedure Act (SFS 1986:223), which states that authorities must amend clearly incorrect decisions if this can be done quickly and easily: "The

County Administrative Board's decision to protect the Great Lake Monster was made through an obviously incorrect application of the law, as there is no legal basis for protecting a non-verified species. The decision shall therefore be revoked."

The playful legal space established by the Board twenty years earlier thereby collapsed, as their strategies to protect the locally important cryptid was finally dismissed as invalid, and as an unsuitable course of action, by higher-ranking authorities.

The potential of monsters and playful legal spaces

Monsters are, in Cohen's words (1996), disturbing hybrids that refuse established classifications and whose "incoherent bodies" resist any attempts of systematic structuration. As we have shown in this article, monsters and cryptids therefore function as analytical entry points into understandings of specific parts of social life and meaning-making. As shown above, the same monster can resonate differently with different people and actors through time and places, and their meaning consequently vary depending on temporal and spatial situations (Weinstock 2020: 2).

To understand the unconventional actions of the County Administrative Board in Jämtland, one must take into consideration the historical and contemporary significance that the idea of the being, animal or monster carries in the region, for individuals as well as for regional branding and tourist interests. If it was not for this significance and potential, there would be no need for the County Administrative Board to act at all in the matter. Among the organisations and individuals involved in the regional remittal process are those who hold for true that the Great Lake Monster is indeed a real, living albeit still unverified animal, worthy of actual protection; those who see a fictional monster as a means for motivated acts of nature conservation of the lake and its surroundings; and those who see cultural historic, symbolic or touristic values in the case.

As both potentially a real animal, and a creature of the imagination, a cryptid must be handled as both nature and culture. In the initial process of the investigation of the case, the Board must therefore promote the absurd idea of protecting an animal that does not exist, by acting as if it does indeed exist, whilst still clearly communicating that their statements on the Monster's existence is not to be taken as serious. Here, play and its meta-communicative signals offer an, at least initially, fruitful strategy. The playful legal space they establish thereby mirrors the cryptid's simultaneous being and non-being, as the Great Lake Monster is placed within a legal framework as if it were an actual species, without the Board intending this to have the same consequences as a legal protection usually has.

By comparing the case to two such conventional cases, that of the freshwater

pearl mussel and the musk ox, it becomes particularly clear that the Board mimics established protection processes, by referring to the same laws, and by following the same routines and modes of communication. Yet the comparison also clarifies how much the monster case differs from the other two. The former is primarily referred to representatives from a cultural sphere, or with limited knowledge of matters concerning species protection. In the two more conventional cases the formal decisions of protection are communicated to societal actors that will need to ensure that the protective acts are ensured – such as local political and police authorities – which the monster case is not.

In another time, in another place, the handling of the monster resonated with a different tone, and the line between reality and fantasy that was so delicately balanced in the first two phases, was finally sharply drawn by the Parliamentary Ombudsman in the final stage of the last and third phase. Where the Board and the other actors involved had playfully invoked laws dictating conditions for species protection, hunting, and wildlife management, the cited laws now instead governed the exercise of power by society and authorities, outlining how they should, and should not, act. The Board's playful framing is invalidated by the Environmental Court, the parliamentary Ombudsman, and the County Administrative Board's chief legal officer, who simply conclude that it is not legally possible to protect a non-verified species, that the decision from 1986 should not serve as a basis for continued administrative action, and that the County Administrative Board's conduct – investigating, deciding on, and later applying the protection – was incorrect. The higher authorities' involvement in the matter thus causes rhetorical shifts, as the other actors involved now must speak frankly on the ambiguity of the Monster, as all playfulness now is abandoned.

Consequently, the ontological liminality of monsters and cryptids simultaneously make the legal protection of the Great Lake Monster possible and impossible. Its ambivalent status means that it is, on the one hand, regarded as sufficiently animal-like to be considered for protection. On the other hand, it is nonetheless too vaguely described in scientific terms to be justified protection under the Nature Conservation Act.

We have here introduced the term “playful legal space”, to describe the space established by the Board in its attempt to navigate the tension of two simultaneously overlapping social frameworks – nature conservation of verified species and heritage preservation of a culturally important cryptid (cf. Händén-Svensson 2024a: 192–193; cf. Sjöberg 2008: 268). The concept allows us to make sense of cases where laws or regulations are invoked or implemented by public authorities, organizations or other actors to advance interests that may at least partially diverge from their usual responsibilities. They may be articulated with humour, irony, or an apparent “tounge-in-cheek” tone, and relate to, shared imaginaries,

folkloric, popular or locally meaningful phenomena. The term offers great potential to scholarship of organisational research, folkloristics, law, and in further developments in understanding creativity in cultural and social life. It is a fluid concept characterized by a sort of *mundus inversus*, a space where high is low, and right is wrong. In utilizing a playful legal space to understand events pertaining to this ambivalent phenomenon, the cryptid, the many-layered epistemic borderlines present in this article is brought into tension with each other, rendering fruitful conversations about the potentials of monsters, for society and researchers alike.

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