

The Neutral Law? Essays in Honour of Johanna Niemi

Edited by Daniela Alaattinoğlu, Kevät Nousiainen and Amalia Verdú Sanmartin



Source: University of Helsinki. Dean Johanna Niemi, Faculty of Law.
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1 Introduction

Daniela Alaattinoğlu, Kevät Nousiainen & Amalia Verdú Sanmartín

Johanna Niemi, currently the Dean of the Faculty of Law of the University of Helsinki, is a legal scholar whose research and teaching has been crucial to the development of procedural law, law and gender, and insolvency law, particularly in the Finnish and Nordic context. Her contribution is not only intellectual, but also practical, particularly since her research has had a significant impact on the development of legislation and legal practice, most importantly within the fields of Finnish criminal and procedural law. In addition to this influence, her long-standing engagement with legal teaching has inspired a new generation of critically thinking legal academics and practitioners. This edited, multivocal and multidisciplinary volume is both an intellectual and a personal celebration and engagement with the legacy of Johanna Niemi.

This book has been edited by three feminist and gender scholars of different backgrounds and generations, who have met and worked with Johanna Niemi during different periods. The authors, similarly, are people whose work Johanna has impacted, in one way or another.

Daniela

I first met Johanna around fifteen years ago, when I was a law student at the University of Helsinki's Vaasa unit, where Johanna held a professorship. At the time, I was seriously considering leaving law school to pursue other subjects. Much of what I had encountered in my studies felt very distant from the things that had initially drawn me to law: a deep interest in social justice, equality and the power structures which shape society.

That changed when I took my first course with Johanna, a course in the sociology of law. For the first time, I felt I might be in the right place. It was, as I recall, the first course where we seriously reflected on what law actually *is*—this thing we were all there to study—and what its role in society is and ought to be. It was also the first time during law school when my many questions about the law did not seem out of place or legally irrelevant. On the contrary, they were welcomed—and even valued.

During my time as a law student, first in Vaasa and later in Helsinki, I took several of Johanna's courses. She introduced me to the field of gender and law, and she also supervised my LLM thesis. Having a professor who was not only a woman, but a feminist who was actively researching questions about gender, was deeply influential—for me and for many other students.

I still remember discussing Johanna's book from 2004, entitled *Rikosprosessi ja parisuhdeväkivalta* (which can be translated in English as *The Criminal Process and Intimate-Partner Violence*) with a friend of mine who had never identified as particularly feminist. She described the book as a revelation—especially in the way it exposed how the law, under the guise of neutrality, systematically discriminated against victims of intimate-partner violence. Later, when I read the book myself and attended Johanna's lectures, I also found it profoundly illuminating. As such, it is a work I continue to return to, and one I still often recommend to my students (after two decades, it is still timely!).

1 Introduction

With this kind of scholarship shaping my legal education, feminist thought and law—though often in tension—never seemed incompatible, or mutually exclusive, to me.

Johanna was also the first person to ask me whether I had ever considered a career in research or academia. Being seen by someone in a senior position whose work I deeply respected meant a great deal to me. While I was eager to spend time outside of Finland and learn from other contexts—eventually pursuing my PhD abroad—Johanna and I stayed in touch. In 2019, I returned to Finland, again through Johanna's initiative, as we, together with Heini Kainulainen, began a research project on rape in the Finnish criminal process for the Ministry of Justice.

I am just one of many people Johanna has influenced. I know that she has had a profound impact on countless others as well. That is one of the reasons this book came into being—even though *Festschriften* are nowadays often viewed as an awkward genre in academic publishing, rarely boosting citation counts or generating institutional funding. But if anyone deserves a commemorative volume, it is you, Johanna.

Kevät

This is a good time to look at the long-term impact of legal feminist studies in Finland. Johanna has been an important actor in the field which has a long international and national history. Johanna became a feminist law scholar at a theoretically interesting point of time. The first wave feminists had demanded equal rights for men and women. The second wave feminists acted in a world of formal equality of the sexes and faced de facto inequality. Gender equal or neutral legislation had not brought along de facto equality. Gendered cultural patterns and social structures were firmly in place despite formal legal equality. How could a legal scholar meet the challenge? By and large, the answer was to focus on real life outcomes and consequences of legal norms. To introduce better legal policies, we needed to know the impact of legislation on different groups of people better. No wonder we were drawn to socio-legal studies for that purpose. Criminal law was an area where gender neutral rules sustained and hid deeply gendered, detrimental patterns. Domestic violence and marital rape were specific instances of a more general social disparity, which made criminal law a deeply gendered field.

Violence against women was a key issue for second wave feminists in the western world. Shelters were established, and criminal law reforms demanded. Johanna and I both found the Finnish response to violence against women conspicuously weak. It has required great endurance and courage to analyse criminal law critically and propose amendments as Johanna has done for decades. The work started to have an impact in Finland quite late in a European or western comparison. International law was late to develop state obligations to combat violence against women, and Finland has been late to embrace those obligations. Johanna has been a key figure in the ongoing struggle against violence through dark decades of denial, derision and ignorance of the fact that Finland is an underachiever in combating violence against women.

We second wave feminists lacked concepts for the work against inequalities that seemed to lie beyond the boundaries of law. Such concepts were established in many contexts, adopted and developed further. Discrimination as a legal concept entered the Finnish legal discussion slowly. The US Supreme Court recognised in 1971 indirect discrimination or the 'disparate effect' of legal rules: applying the same rule to everyone may disadvantage some groups of people. Feminists in the 1970s and 1980s noted the need to develop equality law, despite

feminist ambivalence towards the concept of equality. Law appeared to ‘uphold traditional male hegemony in society’, as Tove Stang Dahl wrote in her foreword to the book *Kvinnerett I* in 1985. Attempts to weaken such hegemony raised strong reactions. Once you understand the gendered aspects of law, you see that they are present in all of its fields. An immense field of work opens for legal scholars.

Looking back at the time when ‘women’s law’ was introduced in Finland, the changes that have been achieved may not be as far-reaching as feminist lawyers might have hoped. Still, it is difficult even to imagine the world of legal studies as it was in the 1980s. Finnish law faculties were practically all-male panels. In 1996, when I was appointed professor, I calculated the ratio of women among law professors in Finland: there were 72 law professors in the country at the time, but only four were women. Johanna is not someone who dwells on the hardships she encountered in her career. Yet courage and endurance were undoubtedly in high demand in the work of a feminist legal scholar.

In the 1980s, there was little support from international human rights for feminist lawyers. The case altered rapidly in the 1990s, when violence against women became defined as gender discrimination. Finnish accession to the European human rights instruments and to the European Union provided new legal instruments to work with. The third wave feminism, on the other hand, changed the feminist agenda and theorising profoundly. Kimberlé Crenshaw coined the term ‘intersectionality’, and Judith Butler’s *Gender Trouble* (1990) brought poststructuralism and queer theory to the frontline of feminist discussions. Our Nordic variety of feminism which relied on welfare state and a rather uniform idea of women needed to take a good and broad look at diversity and language. We had to position ourselves regarding gender, social structures and various aspects of disadvantage.

Johanna’s academic and social impact demonstrates her ability to meet both the theoretical and practical challenges in our field. The thematic and theoretical richness of the contributions in this book reflects not only the scope of the challenges feminist legal studies have faced, but also Johanna’s extraordinary capacity to address them. The breadth of the texts in this volume shows that Johanna has engaged with a wider range of issues than most legal scholars would even dream of—and she has inspired others to do the same. Well done!

Amalia

By chance, fate, magic or simply the ongoing becoming of the world, I found myself in gender and law studies, even though I knew nothing about it at the time. I was again on the move, relocating not just belongings, but myself to the land of Father Christmas. Then, Johanna came along. We come from different generations, different cultures and different lived experiences. And yet, we clicked.

She welcomed me into a world I had never imagined myself being part of: academia, gender and law. I was lost, searching for something I did not yet understand, and she offered me the space and the time to learn, to explore, to question, and to challenge. I learnt that it was not just about knowledge: it was about culture, resilience, choices and the quiet strength it takes to hide within, while resisting and fighting the trolls.

As this book shows, I am not unique in this experience. I am one of the many who encountered her and were inspired by her work, and by her unique way of motivating others. Mentoring, supervision, inspiration. These are not always conscious skills, however, sometimes they are embodied and shimmer, lighting the path of those who encounter them.

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Johanna has a curious singular kind of mentoring and inspiration. She does not tell you what to do or think. She simply creates the conditions where minds awake and confidence can grow.

Working with Johanna meant learning how to live within a world that often speaks of equality but rarely delivers it. As the chapters in this book show, it is not just about knowledge. It is about the real impact we can have in shaping a more just world when the individual matters, even while acknowledging the posthuman conditions of our times.

Like many of the contributors to this book, I received from her something far beyond academic knowledge. For those who have worked with her on insolvency, widely recognised as a ‘serious’ matter, she has inspired them to think beyond the normative. For those of us who worked with her on feminism and gender, for her students, she reminded us that the work is far from done. She quietly, yet powerfully, motivated us to keep fighting. It was never just about women, feminism, or the law. It was about the entanglement of everyday realities of life.

The claim that feminism and gender are now fully embedded in law is, in many ways, a comforting lie, which many of the contributors also show. The absence of dedicated courses, let alone departments, in most law faculties, is painful evidence. Diversity, equality and inclusion may be ‘politically correct buzzwords’, supposedly ‘mainstreamed’, yet they remain marginal in legal education and practice. Johanna knew this. She understood that the struggle is ongoing, a quiet war waged in classrooms, in research, and in everyday institutional life. But she also believed in resilience.

She believed that what we were doing mattered, and that eventually, light would shine through. This belief is what we can see between the lines of the chapters in this book. Many of the chapters of this work show that change happens slowly, step by step and that hope, even in silence, is an act of resistance. She witnessed some of that change. This book is evidence that her work taught us that we are not just observers but agential seeds, meant to be watered, to grow, and to help others flourish.

The Book

This volume is divided into five sections, each reflecting the broad range of Johanna’s scholarship, work and impact. The **first section** bears the title *Towards Gender Equal Criminal Justice*, bringing together chapters which engage with Niemi’s feminist and gender critique of the criminal justice system. In this section, Marjo Rantala and Heini Kainulainen, in their chapter *The Finnish Rapporteur on Violence Against Women – Challenging Gendered Norms and Inequalities in Criminal Law and Beyond?* return to many central questions in Johanna Niemi’s work. In this chapter, Rantala and Kainulainen discuss Johanna Niemi’s impact on feminist legal scholarship in Finland, particularly her insights regarding how criminal law often fails to address violence against women, especially intimate partner violence. Despite various reforms, the authors argue that legal structures remain largely intact. However, they suggest that the National Rapporteur on Violence against Women offers a promising avenue for challenging these gendered legal dynamics—provided the role embraces a feminist legal critique and bridges key legal divides.

The following chapter, *Chronotopes of Criminal Law – On time, Place and Sexual Molestation*, by Ulrika Andersson and Linnea Wegerstad, builds on Niemi’s work by adopting a chronotopic approach to analyse how the definition and regulation of sexual

molestation in Swedish law are influenced by time and place. In their analysis, Andersson and Wegerstad, inspired by Johanna Niemi's work on power, gender, and the contextual understanding of sexual offences, conclude that criminal law and doctrinal approaches to law benefit from a chronotopic analysis of sexual offences.

The final chapter of the first section, *CEDAW and Its Contribution to Gender Equal Criminal Justice Systems* by Lourdes Peroni, examines how the CEDAW Committee has advanced gender equality in criminal justice systems—an effort that resonates strongly with Johanna Niemi's work challenging the myth of legal gender neutrality. Drawing on General Recommendations from the past 25 years, the chapter highlights the Committee's impact in three key areas: integrating intersectionality into access to justice, addressing gender stereotypes in legal systems, and promoting gender-sensitive criminal procedures. In doing so, the chapter honours Johanna Niemi's significant scholarly contributions at the intersection of gender, justice and criminal law.

The **second section**, *Law, Gender and Power*, addresses the relation between legal structures, gender and power dynamics. The first chapter, *Pathways to Feminist Law: Remembering Personal and Political Experiences of the Quest* written by Kevät Nousiainen offers a reflective narrative on the development of feminist legal studies in Finland. Tracing its roots to the 1970s, she recalls personal and collective experiences shaped by evolving academic structures. While Niemi and Nousiainen followed distinct paths, both were influenced by socio-legal perspectives, interdisciplinary dialogues and alternative academic spaces which enabled the growth of gender studies in law. The chapter highlights how shifts from traditional to reformed academic systems facilitated feminist scholarship and provoked resistance, shaping the trajectories of scholars like Niemi.

The concluding chapter of this section, *Breaking the Glass Ceiling in 'Gender Equal' Finland* by Daniela Alaattinoğlu, examines gender representation among senior legal professionals and knowledge producers in Finland by focusing on the Supreme Courts, law professors and law firm partners. Building on a discussion started by Johanna Niemi and Daniela Alaattinoğlu, the chapter questions why gender and representation remain underexplored in Finnish legal academia and practice, despite the country's reputation for gender equality and growing numbers of women in the field.

The **third section**, *Changing Insolvency Law: Comparative and National Perspectives*, reflects on another of Johanna Niemi's areas of expertise: insolvency law. It starts with Iain Ramsay and Bill Whitford's chapter entitled *Comparative Consumer Insolvency and Debt Adjustment*, acknowledging the influential role of Johanna Niemi's work in shaping the field of comparative consumer insolvency. Their chapter examines the development of personal insolvency law as a key area in comparative legal scholarship, especially in the aftermath of the 2008 financial crisis. Their analysis explores how different countries have crafted distinct approaches to consumer bankruptcy in response to globalised credit and deregulated markets, revealing both convergence and divergence patterns.

In his chapter *Personal Insolvency in Spain: Pending Challenges*, Francisco Javier Arias Varona reviews the current state of Spanish personal insolvency law. He identifies key challenges such as limited creditor participation, an overburdened judiciary and the controversial handling of public debts. Drawing on Johanna Niemi's work, the chapter calls for reforms that balance creditor rights with meaningful relief for honest debtors. Ultimately, it advocates for increased creditor involvement, more efficient court procedures and a fairer approach to public debt.

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In his chapter *Roaming along the Stony Road: Absolute and Relative Priorities in Corporate Restructuring*, which concludes the section, Tuomas Hupli critiques Finland's corporate restructuring framework, noting its lack of reform since Johanna Niemi's 1995 thesis and highlights concerns about shareholder protection at the expense of creditors. The chapter underscores Niemi's view that insolvency law impacts people, not just finances, and explores the legal and moral implications of priority rules in insolvency, particularly in light of EU flexibility and Finnish case law. Doing so, the chapter also evaluates the potential for reform through current initiatives like the debt-to-equity swap project, while recognising the limits of existing law.

The **fourth section** goes by the name *Legal Symbols, Language and Experiments*, bringing together diverse discursive engagements with the law.

In the first chapter of the section, *Becoming a Judge – Symbols, Strategies and Support in Perceived and Performed Lived Autonomy*, by Moa Bladini, Wanna Svedberg Andersson and Sara Uhnoo, honours Johanna Niemi's influential work on understanding how legal concepts, like autonomy, are lived and practiced in everyday legal settings. Drawing on Niemi's work on professional identity, the chapter explores judicial autonomy from an embodied, everyday perspective, focusing on trainee judges in Sweden. Building on Niemi's legacy of highlighting how legal frameworks shape lived experiences, the authors deepen the conversation on judicial independence by shifting the focus from the abstract constitutional principles to the daily lived realities of legal practice.

In the second chapter of the section *The Human Body in Market Capitalism: Nothing More than a Commodity*, Eva-Maria Svensson takes inspiration from Johanna Niemi's critique of commercial language around sex work. In the chapter, Svensson examines subscription-based platforms where women trade sexual content as a form of self-commodification, arguing that this phenomenon reflects broader capitalist structures that reduce the human body to a marketable asset, undermining intrinsic human value. In so doing, the chapter considers whether such practices constitute exploitation and violations of human dignity.

The final chapter of the section, *Before and After the Law – Experimenting with Law, Violence and Autofiction-Ethnography* by Anis Minari, alias Kati Nieminen, Sanna Mustasaari, Kristiina Koivukari and Iiris Tuominen challenges traditional academic writing to critique how law reproduces interpersonal violence while simultaneously claiming legal and moral responsibility for it. Using autofiction-ethnography, the authors reflect on their legal training, research, and personal experiences to creatively analyse the discursive mechanisms of violence in law. Their approach is inspired by Johanna Niemi's pioneering work on law, gendered violence and the discursivity of law.

The **fifth and final section** bears the title *Personal Encounters*. In the first chapter under this section, *The Queen of Interdisciplinary Dialogue*, Päivi Honkatukia reflects on collaborative research experiences with Johanna Niemi, highlighting her exceptional ability to foster interdisciplinary dialogue and supportive academic communities. Through her open-mindedness, courage, and care, Johanna has created spaces that combine rigorous scholarship with emotional and embodied connection, inspiring collective work on gendered violence. Her efforts have been instrumental in enabling researchers to thrive and contribute to interdisciplinary knowledge production on gendered inequalities.

In the second chapter, entitled *On Female Academic Bonds*, Katarzyna Sękowska-Kozłowska highlights the profound academic and personal influence of Johanna Niemi. As a feminist legal scholar and mentor, Johanna has not only offered intellectual companionship and

solidarity but also created concrete opportunities for scholarly collaboration and belonging, particularly for researchers from less privileged backgrounds. Her support exemplifies how feminist academic networks can foster inclusion, transnational dialogue and resilience in times of political and institutional backlash.

In the third chapter, *Episodic Encounters with Johanna Niemi and her Scholarship*, Juho Aalto traces the personal and intellectual influence of Johanna Niemi through a series of episodic moments. The chapter highlights her critical engagement with feminist legal theory, interdisciplinarity, and commitment to inclusivity and social justice. In his personal essay, Aalto also reflects on the future of legal scholarship, particularly in relation to new materialisms and the challenge to binary frameworks of sex and gender.

In the final chapter, *Johanna Niemi: The Academic Midwife*, Aleida Luján Pinelo and Amalia Verdú Sanmartín highlight Johanna's impact as a feminist academic mentor, focusing on her role in shaping postgraduate education through relational and epistemically plural approaches to supervision. By tracing a shared academic journey between Niemi and her supervisees, the authors foreground the transformative potential of tutoring as a collaborative and embodied process of 'becoming together'. Niemi's legacy thus extends beyond traditional academic outputs, offering a model for inclusive and reflective mentorship in global academia.