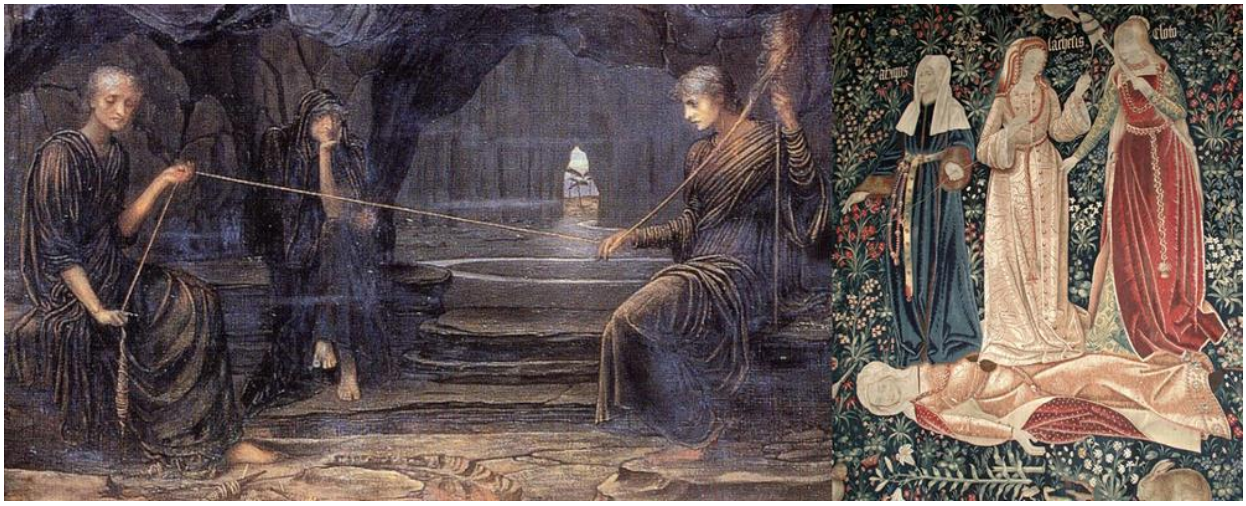

Schedule Nordic Law and Gender Conference, 25–27 October 2023

Hosted by the School of Business, Economics and Law, the University of Gothenburg

Day 1: Wednesday 25 October

09:00 – 10:00 **Registration with morning Coffee**
Venue: Malmstenssalen, Vasagatan 1

10:00 – 10:30 **Conference opening**, with welcome speech by the conference organizing committee and Ola Olsson, professor and Vice Dean for research at the School of Business, Economics and Law at the University of Gothenburg
Venue: Malmstenssalen, Vasagatan 1

10:30 – 12:00 **Kenynote 1: Professor Ingunn Ikdahl**: **Promise and perils: Paths towards a feminist digital welfare**
Venue: Malmstenssalen, Vasagatan 1

Abstract: In the Nordic welfare states, the objective of gender equality has shaped legislation and policies intended to reduce differences and ensure the extension of welfare services and benefits to all. Efforts to recognize and support care work in the family are complemented by public care that facilitate family-work balance. Attempts to address inequality in access to resources are multifaceted, covering access *to* power and employment, promoting equal conditions, and addressing harassment *in* employment, and regulating distribution of property within the family. Anti-discrimination law provides cross-cutting legal frameworks for addressing gender inequality.

However, at present, digitalisation seems to take over the realm of legal imagination for the Scandinavian welfare states. Emerging visions of "digital transformation" have the potential to induce profound changes in how the welfare state operates, and how it relates to individuals. This implicates gender in multiple ways: Digital and data-driven mass administration limits the visibility of individual life experiences and increases risks of stereotyping. Growing mass surveillance and data collection about individuals and families redraws boundaries between private and public. Reliance on algorithms impedes accountability for discrimination. But new emphasis on user-centric and tailored services can also provide spaces for reorganising bureaucratic and legal structures in ways that take the lived experiences of different groups of women and men as starting points.

Yet, gender remains at the margins of Nordic discourses on digitalisation of the state. How can we bring insights from the historic development of the equality-oriented welfare state to bear on the ongoing digital transformation?

Ingunn Ikdahl is professor at the Department of Public and International Law at the University of Oslo. She chaired the faculty's research group Welfare, Rights and Discrimination (VERDI) in 2017–2022, and is currently co-chairing the research group on Law and technology. Ikdahl has worked on women's law, non-discrimination, and rights to property and natural resources in sub-Saharan Africa. Currently, she is involved in research projects examining different dimensions of the Norwegian welfare state, including digitalization of the welfare state, welfare and rights after the 22

July terror attack, health rights and health services in prison, and the role of EEA law in Norwegian welfare administration. Her interest in gender perspectives, interdisciplinarity, legal pluralism, and legal theory cuts across these projects.

12:30 – 13:30 **Lunch**
Venue: Röhsska museeet, Vasagatan 39

14:00 – 15:30 5 parallel sessions

1. **1(3) Gender in Law and Political Economy (G-LPE): Transnational Perspectives on Gendered Political Economy**
Venue: B34, Vasagatan 1
Convenors: Maj Grasten, Copenhagen Business School, & Miriam Bak McKenna, Roskilde University

(I) Title: Gender equality and the shadow of extractivism

Author: Helena Alviar García, Sciences Po Law School, Paris
Abstract: There is no denying that the fight for gender equality has increasingly become mainstream in the last thirty years. This is particularly true in Colombia, the place where this chapter concentrates its analysis. From the establishment of an equality clause in the 1991 constitution (along with the many laws, regulations and rulings that have interpreted it); the election of the first female vice-president in 2018, to the announcement in March of 2022 of an afro descendant woman as the vice-presidential candidate for the left-wing party, the importance of women's issues in the political agenda has been gaining central stage.

Despite these encouraging advancements, the terms, and conditions in which this equality is fulfilled-or should be exercised- is far from a settled matter. There is an abyss between the conservative vice-president's view (elected in 2018) and for whom equality means transforming women into micro-entrepreneurs and consequently designing incentives for them to access to credit and banking to the current vice president, who defines equality in terms of redistribution of resources across gender, class, and race, where care for the environment is central and intersectionality is key, in other words, foregrounding the political economy of equality.

To illustrate the political economy of equality, the presentation will analyze women's access to the mining sector. Mining was selected because of its importance for the Colombian economy: it represents 40% of foreign direct investment, 32% of the country's foreign exchange market, 40% of its total exports, and in some cases up to 80% of the resources distributed to regions for their economic development. Despite its significance, it scarcely employs women. Further, policies geared towards solving the scarce representation of women in the mining sector are too centered upon a superficial understanding of equality that does not take into consideration how economic development policies promote resource concentration and exclude women in diverse ways. In fact, mining has been central to governmental policies for the last 30 years as Colombia has transitioned from mostly exporting coffee to becoming an oil, gas, and coal producer. The presentation will therefore analyze the effects that privileging mining as an economic development goal has had upon women's access to work, public resources, and power, far beyond calls for equality. It will show that equality laws have very little to say about the gendered and environmental effects of granting public resources that privilege mining, and in general about how the protection of labor rights is intertwined with access to property.

(II) Title: Gender in Law and Political Economy
Authors: Miriam Bak-McKenna, Roskilde University, & **Maj Grasten,** Copenhagen Business School, Denmark
Abstract: This paper discusses how issues of gender are core concerns in the political economy of law. It begins by examining key debates and research concerns that address how gender shapes and impacts the legal regulation of markets and economic activity across varying schools of feminist thought. While the field of law, gender and political economy is diverse, the handbook chapter focusses on three areas of analysis at the micro, meso and macro levels through the lens of gendered political economy and law. At the micro level, we examine the manner in which gendered divisions of labour within the home and family are sustained in regimes of labour, family and welfare law. We show how law constructs liminal legal subjects with limited rights, ambiguously situated in *legal borderlands* at the intersection of different legal regimes by differentiating between public/private, work/non-work, and citizen/migrant. As such, law facilitates the transnational transfer and devaluation of social reproductive labour. At the meso-level we examine the legal regulation of corporate governance, while at the macro level we examine the political economy of care beyond national borders as it is impacted by the international legal regulation of migration and international economic law. Finally, the paper proposes a framework of use in promoting new modes of interdisciplinary research and dialogue which centers on *translation* as an analytical tool and conceptual model for feminist legal research, and on how focus on context, circulation and change harnesses and enables feminist legal method and research.

(III) Title: Women's Rights as Launching Pads for Female Economic Participation – Study in the UN Archives

Author: Nicole Stybnarova, Leiden University

Abstract: The presented work is based on UN archival material to the drafting of two women's rights conventions (UN Marriage Convention, and CEDAW (Art 16)). The anaylsis reconstructs the rationale of the drafters with focus on highlighting those parts of history of international women's rights-making which make visible the importance of economic productivity in understanding women's social needs and addressing them. The argument unfolds a principial understanding of women's rights in the two case-studies as a) dependent on women's partaking on the production directly or indirectly (reward women with the symbolic recognition because they have a potential to expand productive forces); or b) a consequence of this partaking (symbolic recognition is only effective in tandem with women's actual partaking on the production). These two main links between women's rights and the economic production came in many varieties sketched in the presentation.

The presentation shows ways in which the economic understanding of women as subjects of rights is ingrained in the accepted meaning of those rights. It argues that the rights, as legal instruments, were conceived of as setting up of the social conditions for women to partake more productively in the economy which was understood to improve their status in reality and substantiate other rights, already nominally assigned to women.

(IV) Title: Regressive Governance

Author: **Dina Francesca Haynes**, New England Law, US

Abstract: In 2019, I wrote an article demonstrating that regressive regimes are on the rise, implementing laws and policies designed to have a chilling effect on their opposition. They focus much of their ire on women and immigrants, creating fear-based narratives to justify militarizing the interior, fortifying the border, reducing civil liberties in the name of national security, and, less overtly, perpetuating patriarchal systems of power. Controlling women and immigrants is central to nativist political agendas. The focus on immigrants and women is purposeful, designed to provide the latitude that the Constitution and international law may grant to political leaders allegedly operating within the arenas of sovereign authority and foreign affairs. While many regressive nativist regimes are also racist, there are strategic reasons why contemporary nativist rhetoric focuses on immigrants in particular rather than on racial or religious minorities more broadly. The reasons have to do with the additional (alleged) legal justifications an undocumented immigrant subject provides regressive regimes. Focusing on migrants moves the locus of the law to borders and, therein, sovereignty; provides a justification for increased militarization in the name of national security and keeping out "invaders"; appeals to vigilantes who prefer to hide their racism behind narratives about defending territory and resources for citizens; allows former immigrants looking to distance themselves from new arrivals to justify their "close-the-door-behind-me" mentality; allows the regular invocation of "patriotism" as a virtue of the highest order; and provides fuel for the inevitable calls by regressive leaders for the derogation of rights and liberties of citizens in the name of national security. Regressive governments increase their own power by suppressing the rights of their opposition, circumventing enshrined constitutional protections of citizens, and subverting the rule of law. The starting point for achieving each is exerting control over non-citizens. I used the term "regressive governance" to describe political efforts to scale back rights for disfavored groups of people, understanding that the formal power structures within regressive governments differ. It was controversial at the time to argue that regressive governments were taking aim at gender and migration, even though the leader of Hungary, Victor Orban, called for ethnically Hungarian women to bear more children while making it a crime to assist refugees and asylum seekers. Other regressive leaders, like Donald Trump, were also engaging in populism, aimed at the intersection of immigration and gender, calling immigrants "criminals" and "rapists" while building a wall to keep them out, falsely claiming that (white) women were at risk of sexual violence perpetrated by migrant men of color. What unified these regressive governments was their patriarchal rhetoric, increasing use of national security theater, and instrumentalization of the rule of law to expand and entrench their power. It is now 2023 and the political landscape is far worse for women and migrants and many other historically discriminated against groups. Several regressive governments have moved from scaling back rights, to criminalizing people who attempt to access those rights, and attempting to eliminate them from public life altogether. The rule of law is a political philosophy premised on the promise that all people, systems, and institutions are accountable to the same laws, processes, and norms that work together to support equality before the law. This article argues that regressive governance is increasing around the world, including in putative democracies, quashing human rights through strategic actions designed to undermine both the rule of law and human rights. From a rule of law perspective, the distance between scaling back rights to criminalizing accessing rights and assisting others to access rights is vast. It is the distance between regressive but putatively democratic governance, and fascism. This article looks at regressive systems of power. It describes hegemonic views on immigration, gender, extractive capitalism, and minority status. It provides examples of systems of power corrupted by those views, and utilizes the rule of law, critical race theory and feminist legal theory to analyze the broader implications of these individual acts of regressive governance. Finally, it proposes defining patriarchy broadly, to include both extractive

capitalism and bigotry as methods of maintaining patriarchal order as status quo, discussing the common threads amongst regressive governments, to better challenge them.

2. **Beyond Words - Sexual Violence and Hermeneutical Responsibility at the University: Roundtable**
Venue: C34, Vasagatan 1
Convenor: Hedvig Lärka, University of Gothenburg
Roundtable participants: Hedvig Lärka (University of Gothenburg), Ulrika Andersson (Lund University), Clara Bergstrand (University of Gothenburg), Matilda Arvidsson (University of Gothenburg), and Hugo Lundberg (University of Gothenburg)

The word is ready when the concept is ready.
– Lev Vygotsky

A 2020 report by Ulrika Anderson et al. reveals alarming statistics on sexual violence and harassment at a Swedish university: one in four women, one in three non-binary people and one in ten men report experiencing sexual violence or harassment in their capacity as students or staff (Agardh et al 2020). Disturbingly, one in fifty of female respondents indicate they have been subjected to rape or attempted rape by students or staff.

To make sense of the prevalence of sexual violence at our own workplaces, this workshop engages Miranda Fricker's concept of hermeneutical injustice with a generative critique of its foundational assumptions (Fricker 2007). Fricker highlights how concepts are central in shaping how subjects emerge. She points out that certain subjects or experiences are structurally harmed when there is a lack of concepts in common understanding. However, Fricker contends that no one is to blame when society misunderstand or misinterprets certain experiences. In this workshop, we turn this notion around, and discuss how all human activity is inherently conceptual. This means that we are going beyond the effects of language or knowledge, thought in the strict sense, and consider the material activity of everyday life at the university. We assume that this activity is conceptual in itself (Chukhrov 2020, Vygotsky 1986, Ilyenkov 2015). From this standpoint, hermeneutical injustice is not merely a lack of concepts but a sociomaterial practice (Barad 2007, Haraway 1988) perpetuated in daily life. Such injustice may silence a speaker or listener entirely, due to the material power of common (conceptual) activity. In this workshop, we tentatively examine the ways hermeneutical injustice related to sexual victimization is embedded within the Swedish university seen as a practice or activity. Themes explored may include, but are not limited to:

Alienation and powerlessness – taking responsibility: Capitalism tends to produce alienated, atomized individuals and the illusion of the autonomous subject. In academia, this tendency is even stronger due to unstable jobs, informal power relations, and a lack of collective organization. This can make workplaces feel toxic, allowing for abuse and bad behavior to become accepted as normal. As members of this workplace, we need to ask: How can we address and take responsibility for our own powerlessness?

The dark side of care – responsible empathy: How does the way we care and practice empathy for each other at work accidentally leave some people or experiences out? Can we create a workplace that cares more about the experiences of those victimized by sexual violence, rather than the intentions of those causing harm?

Patriarchal epistemology? Do some ways of thinking and learning in academia promote harmful behaviors and concepts? How does the way research is funded influence the academic work environment and what we study and value, and how can we address this?

Responsible pedagogy: How can we in our contact with the students, through for example pedagogy, foster or hamper responsible community among our students? Evidence to support long term success of sexual violence prevention programs among students is lacking (Orchowski et al 2020). In what ways do these programs (not) engage the conceptual force of everyday activity? How do we foster community and collective power in our contact with the students and as an institution?

As organizers of this roundtable, we contend that this sort of approach could offer staff (and students, should this approach be used in other settings) the methodological tools to recognize and address the hermeneutic injustices we collectively – if often unconsciously – construe in our everyday activity. Please take a moment to consider the themes in and connected to this short introduction, and how they relate to your everyday work life, teaching, and research. We will introduce the workshop with a short presentation of the subject and of the results of the Tellus report (Agardh A. et al. 2020). After this, we will have a conversation in smaller groups and together. We very much look forward to discussing these matters with you, and to find ways to continue this conversation going forward.

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3. Book launch:
(I) Gender and law: women's, gender and equality perspectives in legal education
(II) Nordic Equality and Anti-Discrimination Laws in the Throes of Change Legal developments in Sweden, Finland, Norway and Iceland

Venue: C32, Vasagatan 1
Convenor: Anne Hellum, University of Oslo

(I) The recently published book, ***Gender and law: women's, gender and equality perspectives in legal education*** **[**Kjønn og rett: Kvinne-, kjønns- og likestillingsperspektiver i jusstudiet] (Eds. Ingunn Ikdahl, Anne Hellum, John Asland, Herman Bruserud, Maria Astrup Hjort, Bjørk Gudmundsdottir Jonassen, May-Len Skilbrei), will be presented by the authors and commented by Stine Jørgensen.

(II) The recently published book ***Nordic Equality and Anti-Discrimination Laws in the Throes of Change Legal developments in Sweden, Finland, Norway and Iceland*** (Eds. Anne Hellum, Ingunn Ikdahl, Vibeke Strand, Eva-Maria Svensson), Routledge 2023, will be presented by the authors and commented by Leila Brännström, senior lecturer, Department of Law, University of Gothenburg.

4. Gender, climate change and law

Venue: D44, Vasagatan 1
Convenor: Raihanatul Jannat, University of Eastern Finland

(I) Title: TBA
Author: Camille Loyer, UiT, Norway
Abstract: Climate governance might appear gender-neutral, but climate change impacts aggravate existing gender inequalities. Because of this, gender and women's considerations have been first ignored, and once they were taken into account, they were misunderstood. Therefore, the full and meaningful integration of gender and women's considerations when addressing climate change concerns is critical for achieving climate justice and gender equality as it would provide for gender-transformative climate action. To achieve this, it is essential to determine the extent to which the international climate change regime provides a framework for gender- transformative climate action.

This paper explores the incorporation of gender and women's considerations within the climate regime and the role of feminist advocacy in this evolution. It is observed that the climate regime largely aims at a gender-responsive content but it is not achieved in practice in all areas of climate action. From this foundation, this paper then argues that the overarching strategy of gender mainstreaming, widespread within the climate regime, might not be sufficient to achieve gender-transformative climate governance. Indeed, the "radical potential paradox" of gender mainstreaming contends that despite its transformative potential, gender mainstreaming in itself does not enable a paradigm shift in the integration of gender and women's considerations within climate governance. The adoption of a human rights-based approach to climate governance, as a catalyst for systemic change, is then suggested in order to achieve a gender-transformative climate change regime.

(II) Title: Gender and Climate Change: An Empirical Legal Study of Gender Responsiveness in Tanzanian Climate Change Response Documents
Author: Ndimiyake Mwalugaja, University of Eastern Finland
Abstract: The increasing concern on Climate change adverse environmental phenomenon in developing countries has been on the rise due to the low adaptive capacities. In Tanzania, the impacts of climate change cut across diverse sectors and agriculture remains the most susceptible. More than 80% of Tanzania's population depends on climate sensitive rain-fed agriculture as a source of livelihood.

The Article examines the implementation of the legislation and policies on climate and agriculture by applying Carol Bacchi theoretical framework. The first part of the article is a textual gender analysis of Tanzanian legal framework on climate and agriculture response. The second part comprises a study of the implementation of the legal documents based on an analysis of interview data, stakeholders include representatives from different environmental organizations and institutes working with gender, climate, and agriculture. Additionally, the article makes use of sustainable livelihood and ecofeminist framework to explore the various concepts that are beneficial in creating policies that are focused in keeping gender at the centre of sustainable development.

The analysis has shown Tanzania legal framework recognizes the gendered dimension of climate change however, legal and policies documents lack coordination and implementation to address the objectives therein. Most documents created to address climate and

agriculture have been plagued with limited technical capability, lack monitoring and evaluation framework as well as gender awareness. The article recommends the need to create gender awareness, coordination and knowledge exchange between grass root level and policy level. Additionally, the current legal measures need to be properly stated rather than vaguely created to enhance implementation and enforcement.

(III) Title: International climate finance supporting climate-resilient development of women from the global South – case study of locally-led adaptation initiatives in Bangladesh
Author: Raihanatul Jannat, University of Eastern Finland
Abstract: Can international climate finance support climate-resilient development of women from the global South? This article examines the question by: i) analsying selected locally-led adaptation initiatives in Bangladesh that receive funding from global climate funds, and ii) exploring the role played by international climate finance provisions in ensuring that these initiatives contribute to gender equality and Bangladeshi women's social and economic empowerment. The basis for this study is derived from the current reality that women face discriminatory and gendered experiences of climate impacts due to existing multi-dimensional social injustices; consequently, women require implementation of climate adaptation actions that are gender-responsive and contribute to their social and economic empowerment. As such, international climate finance provisions have the potential to play a key role in climate-resilient development of women by broadening the goals of adaptation finance and supporting locally-led adaptation initiatives that tackle inequalities and structural drivers of vulnerability in addition to reducing exposure and/or vulnerabilities to climate hazards. At the same time, however, the current legal scholarship on global climate finance is rather fragmented and scant, mostly owing to the nascent nature of international climate law and the political debates concerning climate finance. This article therefore takes stock of the current provisions in place and proposes possible future directions for reflection that can strengthen the legal scholarship on global climate finance and contribute to climate-resilient development of women in the global South.

(IV) Title: Have Indigenous Arctic Women been forgotten in the field of Human rights and Climate change?
Author: Siff Lund Kjærgaard, University of Southern Denmark
Abstract: There is no longer doubt that climate change influences human rights. However, the academia upon the consequences of this influence is still developing, and even though much relevant research has been done or on its way, gaps still exist. Looking into the literature on human rights and climate change, the Arctic consists of a very limited part of this literature. Adding to this, the focus on the women in the Arctic is even narrower. This is puzzling, as the Arctic is warming four times faster than the rest of the world, and how scholars and international organizations (such as The United Nations (UN)) has stated how both women and indigenous communities hold a vital role in relation to mitigating and adapting to climate change. Therefore, this paper proposes a review of the main human rights literature, covering inter alia academia, relevant case law and guiding documents by e.g., UN, to understand what we know about Arctic women's rights in relation to climate change. It will focus mainly on Greenland, but as there is limited research on Greenland, it will also broaden to other Arctic nations where relevant. The overall aim is to better understand the nexus between human rights and climate change from a gender equality-, indigenous- and Arctic-perspective. This will help to understand the blind spot being Indigenous Arctic women and guide into further research.

5. Panel 1(2): Gender and taxation in a socioeconomic and social context

Venue: B41, Vasagatan 1

Convenors: Patrik Emblad, University of Gothenburg, & Åsa Gunnarsson, Umeå University

The Nordic countries have abolished tax regulations that explicitly differentiate between men and women. However, formally gender-neutral tax provisions and tax policies can affect women and men differently because tax laws interact with socioeconomic realities and the social security system. It is therefore important to analyze tax law in a broader socioeconomic and social law context. Gender differences in outcome correlated especially with persisting gender gaps in employment rates and patterns, in the distribution of unpaid work, as well as with regard to income, old age security, poverty and wealth. In the aftermath of the Covid-19 crisis and present economic crisis tax policy agenda, tax policy makers on particularly the international level, have come to insight that the tax policy agenda of the past decades have created a multitude of sustainability and inequality issues that ultimately contradict the Agenda 2030 global goals to combat poverty, centered on women and their children. Future tax policies need to be sensitive to what socio-economic gender inequalities tax regulations have both created and neglected. Future tax reforms also need to be a part of the mobilization and redistribution of resources to build substantive capacity of fair tax reforms to create inclusive societies.

(I) No tax fairness for women in Sweden
Authors: Beatrice Nordling, Chief Economist at Swedish Women's Lobby, & **Åsa Gunnarsson**, Umeå University
Moderator: Cristina Trenta, Linnaues University
Discussant: Patrik Emblad, University of Gothenburg

Abstract: In this paper we will discuss how the gender blindness and lack of gender equality perspectives in Swedish tax reforms have contributed to an increase of several socioeconomic gender gaps, such as the unfair distribution of income and wealth between men and women. The discussion will be based on two recently published Swedish reports of which one is published by Sveriges kvinnoorganisationer1 and the other by Jämställdhetsmyndigheten2. It is obvious that the tax policy discourse that have moved from principles with redistributive and ability perspectives to neutrality and taxing for growth perspectives, have been more beneficial for men than women. Men have benefited from tax cuts and credits on labor income, low tax on capital income and corporate profits, the abandoning of wealth taxes, and the regressive taxation of housing. This development has led to a loss of tax revenue, partly covered by an increase of indirect taxation, which also has turned out to be a tax shift from men to women. Our ambitions are to present new insights on how to change economic and legal paradigms in order achieve tax fairness from a feminist perspective.

(II) Traveling back in time – The genealogy of gendered tax subsidies of travels between workplace and home in Sweden
Authors: Patrik Emblad, University of Gothenburg & **Wanna Svedberg Andersson**, University of Gothenburg
Moderator: Åsa Gunnarsson, Umeå University
Abstract: In 2022, the Swedish Parliament decided to adopt a new regulation on tax relief for travel between home and work. The change meant that the current travel deduction would be replaced by a tax reduction. The new rules were to enter into force on 1/1 2023. After the change of government in 2022, the Riksdag made a new decision to revoke the precious decision and strengthen the travel deduction with effect from 1/1 2023. It has long been known that the travel deduction predominantly benefits men. Men are more likely to travel by car, while women are more likely to use public transport. In addition, men generally commute longer distances than women do. This, in turn, is linked to the fact that women are more likely to take greater responsibility for children and the home and thus generally work closer to home. The decision to reintroduce and strengthen the travel deduction cements these unequal living patterns. It is a way of turning back the time. In this research project we are also going back in time to perform a gender critical analysis of the origin, application and development of the travel deduction in Sweden. We highlight and critically analyze the logic that maintains (and reinforces) gendered biased travel deductions in Sweden. By deconstructing the travel deduction as a social subsidy, we show how it violates the principles and ethics of social law. This is the case because the subsidy increases in size for higher income groups. When the subsidy is implemented through the tax system however, this effect does not attract as much attention since tax law is based on a different logic. We challenge this logic by using the concept of shared living costs. Tax law makes a distinction between costs of living and costs of acquisition to determine the deductibility of various costs. Implicitly, the cost for traveling to work is seen as an individual cost for tax purposes. Yet, we argue that it should be seen as a shared living cost. This is because the distribution of costs within a household is linked to the total distribution of responsibilities within the household. Furthermore, we argue that the treatment of costs as either joint or individual is not coherent in tax law in general because it is possible in some cases to allocate the right to deduct between different persons.

15:30 – 16:00 **Break and afternoon coffee**

16:00 – 17:30 **Five parallel sessions**

1. **Writers' stream (NB: this session goes on from 16:00 to 18:30)**
   Venue: CIP room, Vasagatan 1
   Convenors: Matilda Arvidsson, University of Gothenburg, & Maria Elander, La Trobe Law School, Melbourne
   Participants: Hedvig Lärka (University of Gothenburg), Elina Sagne-Ollikainen (Åbo Akademi), Paola Zichi (Queen Mary University, London), and Lisa Schmitz (Lund University)

2. **2(3) Gender in Law and Political Economy (G-LPE): Legal Subject Formation**
   Venue: B34, Vasagatan 1
   Convenors: Maj Grasten, Copenhagen Business School, & Miriam Bak McKenna, Roskilde University
   Chair: Maj Grasten Copenhagen Business School

   (I) Title: Anti-Stereotyping and Legal Subjectivity in European Human Rights Law: From Universal Autonomy to Situated Affectivity
   Author: Liv Navntoft Henningsen, The Danish Institute for Human Rights, Denmark
   Abstract: In legal theory and practice, the legal subject has traditionally been theorised from a liberal and masculine perspective as an autonomous and independent individual with almost superhuman intellectual and physical capabilities, whereas groups and people that do not fit this theoretical frame or norm are conceptualised as feminised and vulnerable others. In contrast, through the lens of feminist new materialism, the legal subject in this paper is figured as an embodied and embedded, relational, and affective being (becoming). The focus of the analysis is the process of othering and

marginalisation that situates certain groups and individuals in a particularly precarious situation within the legal and economic infrastructures. The argument is that the identification of 'vulnerable groups' in case-law shields the active role of the state in distributing resources, recognition, and representation, as well as engendering certain subjectivities or life forms. Additionally, the 'vulnerable groups' approach may further marginalisation by pointing to particular groups as deviant and dependent, as compared to the paradigmatic autonomous and invulnerable legal subject, enacting an exclusionary legal and philosophical genealogy. This deters a multifaceted understanding of diverse and heterogeneous legal subjects situated within complex economic and ecological webs. The argument is substantiated through a case law analysis of stereotyping cases before the European Court of Human Rights. In conclusion, the paper outlines a new direction for discrimination assessment that addresses the processes of marginalisation that contribute to situated disadvantage, and thus conceptualises anti-discrimination as a transformative process of restructuring legal norms and principles to indiscriminately accommodate the vulnerability and affectivity of all legal subjects.

(II) Title: Considering the Criminal Prohibition Against Consensual Adult Incest. The Case of Sweden and the 1970's Revision of the Sexual Offences
Author: Caroline Karlsson, Lund University
Abstract: In 1971 Social Democratic Minister for Justice Lennart Geijer appointed a government committee to review the section on Sexual Offences in the Penal Code, which resulted in the now infamous report The Sexual Offences Inquiry (SOU 1976:9). The report was heavily criticized by feminist activists and organizations who mobilized against its misogynic construction of the rape crime and the proposal to lower the age of consent. Much feminist research in Sweden have documented and analyzed the events and controversies surrounding the report, yet hardly any scholarly attention has been directed to another proposal made by the committee in the report. Namely, the proposal to decriminalize consensual adult incest between parent and child and between full siblings. My paper analyzes this proposal to remove the incest provision, focusing on the committee's reasoning and considerations of the legal grounds for criminalizing voluntary adult incest. I show that the justification for removing the criminal prohibition against incest revolved around the conception that the removal would only affect a handful of people, based on the idea that a strong social and psychological taboo would continue to prevent incest. I also show that the resistance to the proposal, which in the end shaped the outcome of the legislative process, revolved around the fear that a removal would obliterate the nuclear family as a basic unit of social organization. Finally, I discuss how the genetic concerns associated with incest and reproduction, still considered the primary legal ground for the criminal prohibition against consensual adult incest, need to be considered in the context of the Swedish history of eugenics and sterilization laws.

(III) Title: Gendered Subjectivity, Law and Capitalism: Identity, Gender Pricing, Women's Oppression and the Role of Law in Emancipation
Author: Suzana Rahde Gerchmann, City University of London, UK
Abstract: This research explores the legal dimension of subject formation, focusing on the relationship between law, gender and capital and the role of law (or the limits of law) in liberation. To unfold this entanglement, I take gender pricing – when men and women are charged differently for the same/substantially similar products and services, and women are more affected by the extra prices – as a case study. Until now, this phenomenon was analysed under a positivist/liberal scope that classified it as sex discrimination, claiming regulation as an answer. However, these solutions misunderstand the problem, relying on anti-discrimination and individualised measures, overlooking gender oppression structural causes. To address this gap and have an emancipation-driven discussion, my research questions are: How are law and capitalism interrelated in the gendered constitution of the legal subject as a consumer? Taking gender pricing as a case study, what can we learn about (1) the legal aspects of a gendered subjectivity, (2) the meaning of being a woman in capitalist societies, and (3) the role of law (or the limitations of law) in liberation? In responding to these questions, I situate gender in capitalist societies. When I turn to gender pricing, I am interested in mapping the intersection between law, gender and capital and how they are interlocked in a system that not only gives rights but imposes subjectivities. Drawing from Marxist feminism and decolonial framework, I aim to unveil the role of law in the construction of gender identities, elucidating its limits in our struggle for liberation and exploring different solutions to emancipation.

(IV) Title: Commercial Surrogacy - A Gendered Exploitation?
Author: Marisa Almeida Araújo, Lusíada University, Portugal
Abstract: Reproductive choices, procreative freedom, and the right of women to control their own bodies, has a nuanced perspective in the context of surrogate pregnancy. Some feminist scholars, associate it with a patriarchal stereotype of the perpetuation of the male genetic load that eradicates the role of women (and mother) in the reproduction of offspring. Within this perspective, it is also commonly added that women who agree surrogacy ultimately manages to achieve is the annulment of the identity-woman-(also-)mother. Concluding, that surrogacy is a (new) gendered exploitation since women found a new means to be subjugated by the lack of options or the limited options with which they are confronted. An autonomy, therefore, that is highly coerced, as it happens (?) in prostitution. The replacement of the infertile woman who is exchanged for another fertile one – and this one is also dispensable at the end of the process – that serves to fulfil the man's desire to pass on his genetic load to his children. A new form of devaluation of women and exaltation of the father

figure in relation to children and the family, above all as the preponderant social institution, which may contribute to fostering old and new stereotypes. We've analysed and discussed the legal-ethical issues raised by surrogacy as an alleged new form of gendered exploitation.

3. 1(2) General Stream

Venue: C32, Vasagatan 1

Convenor: Erik Björling

(I) Title: Revisiting the "green goddesses" of good order, justice and peace: Themis and her daughters, Eunomia, Diké, and Eirine

Author: Hanne Petersen, professor emerita of legal cultures, UCPH, Faculty of Law, Center for European and Comparative Legal Studies (CECS)

Abstract: This work in progress is inspired by my collaboration with two Danish-Polish film women in 2022, which resulted in a series of filmed interviews (Norape.org - Waystojustice | Sexual Violence in Peace- and Wartime). One of them raised the question *why* Justitia was a woman. Why is justice, divinity and femininity/female gender connected? This requires that we look to the past.

The Romans took over Justitia from the Greeks, who had a group of female goddesses protecting law, justice and order. The elder Themis – daughter of Gaia (goddess of the earth) – is the goddess of divine justice, custom and represents tradition and the Earth. She appears among the Olympian gods as the link back to an original (matrilineal) order. Together with Zeus, she has three daughters (horae) who represent both the seasons and order. *Horae* (hours, seasons) are in early Greek religion personifications of blossoming and bearing fruit. They were later considered goddesses of the seasons and the natural portions of time and became regarded as goddesses of order in general and natural justice. "They bring and bestow ripeness, they come and go in accordance with the firm law of the periodicities of nature and of life", Karl Kerenyi observed, adding "Hora means 'the correct moment'." Traditionally, they guarded the gates of Olympus, promoted the fertility of the earth, and rallied the stars and constellations (Horae – Wikipedia). *Eunomia* is the goddess of good order, the best known is *Diké* – the goddess of human justice, whom the Romans transformed into Justitia, the third is *Eirene*, the goddess of peace.

(II) Title: The Pregnant Body in Scandinavian Health Law

Author: Katharina Ó Cathaoir, University of Copenhagen

Abstract: This presentation delves into the paradoxical nature of the health of pregnant individuals—simultaneously medically neglected and of intensively surveilled. The systematic exclusion of pregnant people from clinical trials has created an evidence gap regarding the effects of routine medications on their health. Clinical uncertainty surrounding metabolic differences and fetal risks leaves pregnant individuals unable to make informed decisions about treatment and medications, resulting in potential avoidance of necessary medications or incorrect dosages. Bridging this evidence gap is crucial to improve health outcomes for pregnant people.

Gathering more and better data is often hailed as the solution to this problem and other welfare state challenges (like ageing populations and difficulties in recruitment). However, the inclusion of pregnant individuals in clinical trials alone cannot address the issue at hand. Western medicine's historical trivialization of conditions affecting women's bodies has led to gendered healthcare, where female patients are often disregarded or their reports of pain neglected. Furthermore, the healthcare field, including obstetrics and gynecology, still harbors patriarchal beliefs. Even with available healthcare data, legislatures and health professionals may limit pregnant patients' self-determination based on patriarchal views.

While criminal law's role in regulating pregnant women has essentially been eliminated in Scandinavia, indirect punishment and surveillance persist, fueled by a welfare state that increasingly surveils the pregnant body through digitalization and datafication. Pregnant patients with mental health conditions face additional vulnerabilities due to use of medicines and stigmas surrounding their suitability as parents. Their failure to use medications due to the evidence gap or decision to continue taking necessary medicines may be reported by social workers, leading to them being flagged as "non-compliant". The presentation draws on complaints made by pregnant patients to health boards in the Scandinavian countries to illustrate this paradox and the risks faced by patients.

(III) Title: Wearing the *gákti* Inside Out: Indigenous Protest as a Manifestation of the Right to Culture

Author: Carola Lingaas, VID Specialized University, Oslo

Abstract: The Sámi Indigenous people of Norway recently received significant media attention by chaining themselves to the Ministry of Petroleum and Energy. They protested against the inaction of the government following a Grand Chamber judgment of the Supreme Court that ruled the concessions for a wind turbine park invalid. The *Fosen* judgment recognized that the windpark violated the Sámi's right to culture of reindeer husbandry; their traditional area of winter grazing area was deemed lost.

Rather than focusing on the judgment of 2021 and its legal analysis of Art. 27 ICCPR, this paper examines the protest reactions. Most female protesters decided to wear their traditional clothing, the *gákti*, inside out. The *gákti* is worn both in ceremonial contexts and while working, especially when reindeer herding. After a painful and enduring century of colonialism and assimilation policies that ended as late as in the 1960s, where everything indigenous was banned, ridiculed, or hidden, the *gákti* is today worn with ever more pride.

Wearing traditional clothing inside out is, in Sámi tradition, a sign of protest. By turning it inside out, the ugly seams are seen, and the beautiful embroideries and sewing become invisible. Rather than using words or violence, the Sámi peacefully protest by way of offering a provocative sight of a piece of clothing. This paper takes an explorative approach to the right of culture under international and regional human rights law and how it is manifested through clothing. In doing so, the paper combines theoretical discussions of the human right to culture but expands it to examining the use of clothing as an important element of the right and of protest movements.

4. New pedagogical approaches to law and gender in the Nordic context

Venue: D44, Vasagatan 1

Convenor: Alexandra Lebedeva, Uppsala University

(I) Title: Using legal history as a tool when teaching law students about men's violence against women

Author: Görel Granström, Umeå University

Abstract: One of the challenges when teaching and examining law students on the subject of men's violence against women is to reach and engage different groups of students. That is, both those students that are well aware of this societal problem and those that are of the opinion that this area of knowledge is not something that should be part of a legal education. In my experience, one way of reaching and engaging both groups of students is by using historical examples of both legislation and case law as a means to discuss how law is used to protect different interests and what that entails for those who are not seen as legal subjects worth protecting. In my presentation, I will give some examples of how this could be done. By using examples such as how rape and violence was defined and criminalised (or not criminalised) in a historical context, it is sometimes easier to build a foundation for discussing these questions in the context of what the students will have to handle in their professional life as lawyers.

(II) Title: Two decades of teaching men's violence against women from a law and gender perspective

Author: Monica Burman, Umeå University

Abstract: The need for knowledge on law, gender and men's violence against women is not a new insight. It was acknowledged already in the 1990's and legal demands on gender related knowledge in law education was in 1998 for the first time regulated in the Higher Education Ordinance (1993:100). At that time, the scope was wider, not only knowledge on men's violence against women was supposed to be part of the law program, but also the relationship between law and gender equality in general. In this paper I will present and discuss my more than 20 years of experience of teaching men's violence against women from a law and gender perspective at the law program in Umeå, with some comparison with such teaching at the police program. I will point at both obstacles and possibilities as well as highlight differences and similarities over time. I will also elucidate how the content of the teaching and the pedagogical approaches to the subject have changed due to the development in law, policy and the production of research-based knowledge.

(III) Title: TBA

Author: Hanna Palhamn Szabó, the National Centre for Knowledge on Men's Violence Towards Women based at Uppsala University

Abstract: The subject men's violence against women is mandatory in master programs in Law at Swedish universities since 2018, which is regulated in the Higher Education Ordinance (1993:100). As lawyers are expected to meet victims/survivors and perpetrators of violence, it is necessary to use various pedagogical approaches to successfully teach and examine law students on the subject of men's violence against women.

According to the Swedish Agency for Government Employers lawyers are one of the most common professions within the group government employees and primarily work at the National Courts Administration, the Tax Agency, the Migration Agency, Government Offices, Procuratorate, Police authorities, the Social Insurance Administration, the Enforcement Authority, the Prison and Probation Service and the Employment Office. In addition, many private lawyers will also meet victims/survivors and perpetrators of violence. Here it is necessary to e.g. make it visible what kind of knowledge each group of lawyers need to prevent, respond and ultimately contribute to the elimination of men's violence against women. One way of making this visible is to point out the intersection between the subject men's violence against women and the applicable law. This is essential since it will prepare law students on how to identify and use this knowledge in their future work as lawyers. For it to be successfull, it needs to be based on both research and practice.

My contribution to this panel would be sharing various approaches on how to teach and examine law students on the subject of men's violence against women. This would include, but not be limited to, suggestions regarding constructive alignment, starting points on how to teach about the subject men's violence against women, identification on the needed knowledge for each

group of lawyers, examples of how to use this knowledge as a lawyer and examples of examination. In addition, it is vital to highlight how to teach law students about the subject men's violence against women in regards to pedagogy and how to effectively handle resistance to this subject as a whole. In regards to the latter, it is also my goal to contribute to this.

I am currently teaching law students at master programs in Law at Uppsala University, Lund University and the University of Gothenburg. Moreover, I am also teaching police officers and lawyers at the Police authorities.

5. Intergenerational feminist alliances: past-present-futures: Roundtable

Venue: B41, Vasagatan 1
Convenor: Moa Bladini, University of Gothenburg
Participants: TBA

This stream aims to initiate an intergenerational discussion and reflection on the theme law and gender through the lens of the past, present and future. The stream brings together intergenerational scholars to form alliances and/or start conversations on law and gender from various perspectives and experiences across generational borders to shed light on and develop various aspects through past, present and future.

18:30 **Joint walk to the restaurant** for those who are lost on their own.
Gathering outside the main venue building, at Vasagatan 1.

19:00 **Dinner** at restaurant Simba, Sankt Eriksgatan 3

Thursday 26 October

09:00 – 12:00 **Keynotes 2 and 3**

Venue: Röhsska Museet, Vasagatan 39

Keynote 2: Dr Miriam Bak-McKenna: Unsettling the Borderlands: Race and Coloniality in Nordic feminist perspectives of law

Abstract: Intersections of race, gender and coloniality are central not only to decolonial thought but to contemporary understandings of gender power relations more broadly. Yet in the Nordic context, conceptual discussions of imperial legacies and traces of the coloniality of gender and race have largely been subsumed by the doxa of Nordic colonial exceptionalism as peripheral to the wider colonial project. This is also true of Nordic feminist perspectives on law which have, to a large degree, been limited to questions of gender within the borders of the nation-state. Unsettling these borders, drawing on the work of decolonial feminist scholar Gloria Anzaldua, and existing insights into the various ways in which Nordic states were and continue to be complicit in colonial processes, this paper seeks to elaborate how the growing canon of 'new imperial' legal scholarship can develop Nordic feminist perspectives on law. This includes a reconceptualization of the conceptual and institutional trajectories of empire, particularly the 'metropolitan turn' which has emphasized the importance of recognizing and studying how colonialism shaped the histories not only of the colonies, but also those of the metropoles.

Miriam Bak McKenna, Ph.D, LL.M. University of Copenhagen is an Associate Professor of Law at the Institute of Social Science and Business, Roskilde University. Her work focusses on the theory and history of international law, drawing in particular on critical feminist and decolonial approaches to law. Her book Reckoning with Empire: Self-Determination in International Law (Brill) was released in December 2022

Keynote 3: Dr. Leila Brännström: The Battle for Discrimination Law: A Counterhistory of Discrimination Law in Sweden

Abstract: Discrimination law moved towards the center of the political stage following the 2022 elections in Sweden which brought to power a rightwing coalition in formalised cooperation with the ethnonationalist Sweden Democrats. The Sweden Democrats, who are given policy influence for their support of the government, have recently suggested that existing discrimination law should be replaced with a general ban on 'unjustified differential treatment' and that state funding for organizations working against discrimination should be cut off. This reform agenda has set off a broader public discussion about the purposes that discrimination law serves or should serve.

Set in motion by the ongoing discussion, this presentation offers an account of Swedish discrimination law during its more than five decades of existence. Histories of Swedish discrimination law usually present a narrative of development and progress, while also emphasizing persistent inefficiencies in implementation. Building on existing work skeptical of this narrative, the counterhistory presented here foregrounds disagreements about what discrimination law should be and do and highlights the symbolic as well as the instrumental functions of law.

Leila Brännström is an Associate Professor of Jurisprudence at Gothenburg University. Her research revolves around the law/politics nexus which she approaches theoretically, historically, and socio-legally. The empirical focus of several of her previous publications has been on discrimination law and legal engagements with ethnoracial inequality.

12:00 – 13:00 **Lunch**

Venue: Röhsska museet, Vasagatan 39

13:15 – 14:45 **Five parallell sessions**

1. **Law, Gender and the Animal**

   Venue: E43, Vasagatan 1

   Convenor: Håkan Gustafsson, University of Gothenburg

   This stream brings together scholars and scholarship at the intersection of law, gender and the animal. Following the seminal work of Carol J. Adams (The Sexual Politics of Meat (1990), and Animals and women: Feminist theoretical explorations (1995, with Josephine Donovan), and the 'turn' to critical animal jurisprudence in law and its scholarship (e.g. Yoriko Otomo & Edward Mussawir (eds) Law and the Question of the Animal A Critical Jurisprudence (2013)) the questions

for this stream include (but are not limited to): Gendered and legal interspecies relations in the Anthropocene; Human-nonhuman kinship/Non-natalist normativities (make kins, not babies!); Embodied experiences and the ordering of animality; Animal subjectivity and rights; The laws and norms of trans-species (medical) intersections: transplants, implants, and chimerism; Non-human law/Non-human jurisprudence; Normativities of veganism/cannibalism; Animal welfare and its laws; Colonial gender and animal relations (in the Nordics); The animal 'other' in Nordic law and jurisprudence.

(I) Title: Non-Human Subjectivation and Legal Form
Author: Hugo Lundberg, PhD-student, University of Gothenburg,
Abstract: Critical legal scholarship has recently seen a wave of theorizing the non-human, for instance with regard to discussions on rights of nature and animal subjectivity. But such implicit critiques of humanism in law tend to be inspired not by the many Marxist variations of critique of humanism, but rather by post-humanism and new materialism. Scholars in the Marxist paradigm have been quick to (ruthlessly) critique these competing theoretical frameworks but have done so in ways that, albeit convincingly question blindness to capital's drive, the form of value and draw out the boundaries between the social and natural, have largely not set out to preserve or develop a critical perspective on non-human animals. Situating itself in the communist tradition, this paper critically examines attempts at formulating 'more-than-human' legal ontologies. Relying on communist legal theory - that of Evgeny Pashukanis' concept of legal form and in extension, how law subjectivates through the commodity form - I question underlying assumptions of legal ontology that the post-humanist theorizing of non-human animals rests upon through modes of exchange and circulation. Although not historically centered on the liberation of non-human animals, I suggest that a Marxist critique of humanism through legal form can highlight and explicate issues which risk becoming obfuscated by a post-humanist approach, but in doing this, communists need to seriously engage with questions of animality. Critically highlighting these differences could provide openings for new, communist theorizing of non-human animals and law beyond the limitations of both traditional Marxism and post-human approaches.

(II) Title: Animal Testing of Cosmetic Products
Author: Julia Johansson, PhD-student, University of Gothenburg
Abstract: During the last century, chemical production has increased multifold and shows no signs of slowing down. So far, this has resulted in a number of environmental consequences as well as public health concerns. Additionally, research indicate that chemical exposure does not strike evenly. Some bodies, e.g., gendered or animalized, seem to be more affected by chemical pollution than others. This is clearly illustrated by a risk management tool of cosmetic products under EU chemical legislation; animal testing. As most matters concerning chemical pollution and exposure have been regulated by the EU, this area is of great importance for the Nordics; jurisdictionally as well as geographically. With this paper, I argue that the issue of chemicals in cosmetic products can prove a fruitful node for discussions on intersecting oppressive systems of capitalism over the environment, non-human animals as well as women.

The paper will engage with the history of the regulation of animal testing as a risk management tool of cosmetic products under EU chemical legislation, outlining where the lines between human/non-human as well as between non-human animals have been drawn. The EU prides itself on having banned animal testing for cosmetic products since 2013, but recently criticism has emerged claiming that these bans are being circumvented through the parallel legal regimes. Several political initiatives exist solely in order to end animal testing, and the scientific engagement concerning so called New Approach Methodologies (NAMs) is thriving. However, so is the production and consumption of cosmetic products such as sunscreen causing harm to aquatic environments with its inhabitants. In this paper, I will be drawing upon posthuman theory, ultimately arguing that a wider perspective is needed in order to address all the harms done to every creature by the current chemical legal regime.

(III) Protecting Animals Against the Law. Care and Sanctuary-making in Rural Denmark.
Author: Marie Leth-Espensen, Lund University
Abstract: Farmed Animal Sanctuaries (FASes) – or fristeder in Danish – are places devoted to care and rescue for previously farmed and abused animals. In the past decades, FASes have emerged across the globe and formed a new activist platform for campaigning against the exploitation of nonhuman animals. However, FASes are confronted with the difficult task of providing life-long care for animals bred for profit within legal and regulatory frameworks intended on animal production. Restrictive zoning, the prohibition against burying specific species and standards of care based on the principle of minimising suffering are some of the barriers sanctuaries face.

In this paper, I draw on fieldwork carried out at sanctuaries and interviews with Danish veterinary inspectors to explore the ways in which law shapes standards of care for farmed animals. Against this backdrop and in line with classical feminist analysis, the paper explores the gendered dimensions of sanctuary care work (unrecognised and invisible labour). In doing so, the paper highlights the sanctuaries' efforts to recuperate 'care' from its current constraints marked by human control, captivity and agricultural management. Last, the paper addresses the pressing but complicated question of envisioning alternative legal futures for nonhuman animals and the need to create a non-anthropocentric foundation for care and protection.

Bio: I am a sociologist and qualitative researcher based in Copenhagen. I recently received my PhD in Sociology of Law from Lund University on a thesis entitled 'Animals and the Politics of Suffering.' My research interests are human-animal relations, Food & Eating, Feminist theory and Interspecies politics. I am a member of the Lund University Network for Critical Animal Studies.

2. 1(2) Criminal (in)justice? Criminal law studies in times of penal populism

Venue: E44, Vasagatan 1

Convenors: Linnéa Wegerstad, Lund University, & Ulrika Andersson, Lund University

(**I) Title: Penalty enhancement for gender-based hate crime in the Nordic: Past – Present – Future**
Author: Andreas Anderberg, University of Gothenburg
Abstract: In a Swedish context, penalty enhancement provisions have become more and more common. The penalty enhancements fill an "expressive and symbolic function" and the intrinsic value of the punishment's symbolic as well as communicating capacities are highly notable, especially when it comes to hate crimes. Still, it could be questioned whether the criminal law is the most suitable way to address or solve underlying problems or is there a query on the penal system's ability to achieve justice? This paper will problematise some of these issues.

Past: Recently, Finland included gender among the aggravating circumstances listed in the provision on penalty enhancement in the criminal code. Norway, though, has dismissed a corresponding regulation with the argument that too many provisions would be labelled as hate crimes, risking that the concept of hate crime eventually could be hollowed out. Also, evidential and difficulties with delimiting the criminalised area was put forward against the proposal.

Present: The penalty enhancement provision in the Swedish criminal code (*Brottsbalken*) list several aggravating circumstances that is to be taken under particular consideration when assessing the penalty value. One of them being so-called 'hate crime', where several motives for a crime that should be considered particularly is enumerated including race, ethnic origin and sexual orientation but leaving out – or at least not explicitly mentioning – gender.

Future: This is, however, subject to change: a governmental inquiry will propose that also gender should be added to the aggravating circumstances. It is though yet to be evaluated if penal enhancements – and in the long run the criminal law itself – are efficient and adequate means to deal with the underlying problems with, especially, men's violence against women.

(II) Title: Exploring Punitiveness – Tougher Penalties as Criminal Policy Solution and the Construction of Criminal Law
Author: Sigrid Nikka, Lund University
Abstract: *Why* does criminal law change? Approximately 75 legislative reforms relating to the judicial system, aimed at achieving more and tougher penalties, have been proposed by the Swedish Ministry of Justice since 2010, half of them during the past five years. Despite these changes, the current Swedish government intends to overhaul the criminal law legislation to further increase the use of imprisonment and to achieve even longer prison sentences. Such punitive legislative changes are presented as an effective and necessary tool for the prevention of crime, as proportional and fair, and as in the interests of victims. But *are* they, and *more so* than other possible measures within or beyond crime policy? *How* are these notions of effectiveness, proportionality and justice conceived, and how do they impact criminal law, and the space for imagining other ideas of what and how criminal law could be?

My research analyses the relationship between criminal law and criminal policy by examining the way legal arguments and concepts are constructed and transformed in law-making. I examine how tougher penalties are *constructed* as a crime policy solution in legislative histories, and how such changes *construct* the concept and boundaries of criminal law; What can and should criminal law do, what is made and thought possible, and what is not? Utilizing a framework that combines doctrinal research, discourse analysis and the WPR-approach, I aim to contribute to an understanding of *how* criminal law is *made,* and to explore ways of interacting with and challenging criminal law and policy, as they are, as they change, and as they could be.

(III) Title: Criminalisation for show? Giving meaning to mitigating circumstances in the context of abortion, criminalized
Author: Mathilda Tarandi, Lund University
Abstract: In this paper, I analyse how mitigating circumstances were given meaning in decision-making on prosecution of women suspected of committing abortion (when criminalised, mid 20th century). In 1946, the prosecutor general was assigned a unique function in Swedish legal history: to decide in all cases if a woman was to be prosecuted for abortion or not. At heart was 'identifying' the existence or non-existence of mitigating circumstances. If identified, the case was dropped. In practice, this resulted in such cases falling outside the criminalised scope. Here, I use Lacey's distinction between formal and substantive criminalisation. If no mitigating circumstances were found, prosecution followed.

Abortion moved within a broader discourse of criminalisation, in a time of social change. For long, criminalisation as a tool to shape morals had been left quite unquestioned in the public discourse. When questioned, a fear of what decriminalisation might imply and communicate, normatively, was put forth as an argument against decriminalisation. The 'criminal' abortion rates kept increasing, despite the recently introduced indications on which abortion could be lawfully done by a medical doctor. I understand the mitigating circumstances clause as a midway solution: it did

not question the imagined normative message of criminalisation but created pathways in the interpretation and construction of women's reproductive life in law.

I would like to explore the discourses and the knowledges of women in the materials. Using Lacey's binary definition, I reflect on what this might tell us about who and what behaviour was criminalised, the production of (gendered) meaning in law in times of change, and argumentative opportunities in penal law. What could this reflect if we think about 'justice' broadly, and effects on criminalisation in the long run?

(IV) Title: Public Policy, Punishment, and Indian Criminal Justice system: A critical analysis in the light of penal populism

Author: **Meera Mathew**, Faculty, School of Law, CHRIST (Deemed) to be University, Delhi NCR

Abstract: As the term indicates, penal populism is an excessive focus on the attractiveness of policies, a deliberate or careless disregard for data demonstrating the effects of various criminal justice policies, and a propensity to make broad generalisations about the makeup of the public on the basis of inappropriate research methods. This is the trend now seen in many countries where government appeases the people whenever there is a public uproar over any crime. In India too, when there was rise in sexual offences it had amendment enacting harsher penalties for such offences. For instance, the government strengthened the penalties for rape, which can include the death penalty when a girl of 12 years or less is the victim, in response to the "Kathua rape case", in which an eight-year-old was sexually assaulted. The majority of people believe that the death penalty alone would be adequate to prevent the rape of youngsters. However, the Law Commission of India has already noted in its 262nd report that there is no proof that the death penalty serves as deterrence. This approach is quite alarming since it diverts attention from the government's real mission of crime prevention by enacting humorous policies to win over the electorate. Such remedies to reinvigorate criminal and penal policy-making as meaningful sites of civic engagement are an important element in challenging the tendency towards punitive penal responses. This proposed paper is ib consideration of political populism's on-going influence on punishment in contemporary society, as well as the broader societal repercussions and implications of its emergence, comes to a conclusion focusing on Indian Criminal Justice System.

(V) Title: Hate speech in the times of penal populism – who gets to control the freedom of speech?

Author: **Jasmin Hannonen**, University of Turku

Abstract: Hate speech has become a subject of penal populist debate especially amongst the politicians. Due to the current volatile political situation in Finland, one of the central hate speech criminalisations, agitation against a population group, has faced harsh criticism from certain political actors. One political party has even made a public statement aiming to undermine the criminalisation. The political debate is often disguised as a fight for freedom of speech, however in reality it seeks to antagonise the society for political gains. The intentions and effects of said rhetoric are not to be underestimated. As hate speech is a socially constructed phenomenon, it is crucial to understand how these discursive shifts impact the way the reality is perceived and how they translate into legislation and subsequently into legal praxis. There is an ongoing battle on who gets to determine the judicial meaning of hate speech and have power over how the phenomenon should be addressed – the aforementioned is conveniently used as a Trojan horse with the aim of dictating how freedom of speech is controlled. The legal system seems to be exploited by the ones creating it by infiltrating their political, cultural, and social values into the discourse with intentionally imposed dichotomies leading to juxtapositions. These actions aim to disregard the distinctive features of hate speech inter alia its gendered nature. In these times of penal populism where words become actions, the question to pose is: how can the justice system address this issue?

3. Panel 2(2): Gender and taxation in a socioeconomic and social context

Venue: B34, Vasagatan 1

Convenors: Patrik Emblad, University of Gothenburg, & Åsa Gunnarsson, Umeå University

(I) Title: Women's work, RUT deductions and the fiscal fiction of equality

Author: Victoria Lindgren, Doctoral student at the Department of Law, Umeå University. Affiliated to the Graduate School of Gender Studies at Umeå Centre for Gender Studies, Umeå University. Contact: victoria.lindgren@umu.se

Moderator: Patrik Emblad, University of Gothenburg

Abstract: Throughout Swedish fiscal history, the legislative framework regarding the taxation of income has from time to time been discussed in relation to questions regarding women's participation in the Swedish labor market. As of today, women are to a vast extent present in the Swedish labor market. Nevertheless, the characteristics of as well as the scope of women's paid work is still a matter of concern to the legislator. In the year of 2007, a tax deduction for domestic service work (RUT) was made possible in Sweden. Due to extensive state financing, the deduction enables Swedish taxpayers to hire domestic workers to a lower cost. The legislation aims at reducing the amount of unreported employment in Sweden but is also aiming at further enhancing women's participation in the workforce. By using RUT, mainly middle-class women are expected to replace

unpaid (domestic) work with paid work. Simultaneously, the deduction is considered to encourage other groups of women such as migrant women, women with low income or low education level to enter the workforce. During my presentation, I will argue that this is an example of how Swedish tax law still is imprinted with different conceptions on women, care, paid/unpaid work, and taxes in relation to the fulfillment of fiscal and economic goals. Further, I will argue that this is an example on how women from socioeconomically vulnerable background(s) are being subjected to state control, becoming tools to enable women of higher socioeconomic status to become more economically as well as fiscally productive – everything under the pretense of inclusion, emancipation, and independence.

(II) Title: Women's right to abortion in the light of the EU VAT System
Author: Cristina Trenta, Linnaues University
Moderator: Patrik Embland
Abstract: Current advancements in medicine, science, and technology, resulting in innovative diagnostic and therapeutic approaches, the development of new drugs, and the recentering of medical practices on patients and out-of-hospital treatment, have resulted in significant transformations in healthcare and well-being procedures. In this context, medical abortion, or medication abortion, stands as a notable breakthrough in reproductive health technology, as it replaces invasive surgical procedures and all they entail with the administration of drugs in the form of pills or tablets. According to medical literature, medication abortion is safer, decreases maternal mortality, and has an efficacy rate of over 98% in terminating early unwanted pregnancies.31 Simply by providing an alternative, one that removes surgery, delays, and any of the personal, social, and economic consequences that are firmly tied to traditional procedures, medical abortion helps ensure that a woman's sexual and reproductive health rights remain upheld, and that more timely and more informed choices can be made.

Medical services are eligible for VAT exemptions under the provisions of the VAT Directive.42 Article 132(1)(b) of the VAT Directive specifically exempts hospital and medical care, as well as closely related activities performed by public bodies, and art. 132(1)(c) specifically establishes exemptions for services rendered by medical and paramedical professionals in the course of their professions. Moreover, Annex III of the VAT Directive outlines a list of goods and services that qualify for reduced VAT rates under Article 98. Point (3) of Annex III includes pharmaceutical products utilized for healthcare, disease prevention, medical and veterinary treatment, as well as contraceptive and sanitary products. Considering that surgical abortion is considered a healthcare service and that the drugs used in medical abortion are classified as pharmaceutical products, both these procedures to terminate pregnancy fall within the scope of the VAT Directive.

This paper investigates the regulatory framework governing abortion within the scope of EU VAT, covering both surgical and pharmaceutical procedures, to assess whether or not any disparity in the VAT treatment between these two approaches exists that could potentially lead to gender discrimination or other types of discrimination. To do so, it first examines abortion within the international and European human rights framework from a gender perspective. Such an analysis is then used to scope the EU VAT legal frameworks that are applicable to medical services and pharmaceutical products, and to identify their essential characteristics as outlined in the EU VAT Directive and interpreted by the European Court of Justice. Then the paper discusses the provision of abortion, both surgical and medical, in the broader context of the EU VAT framework, evaluating the compatibility of the EU VAT treatment of abortion with human rights principles and those descending from the primary legal framework that safeguards women's rights and the right to health. Finally, the paper explores potential avenues for future research in this area and presents concluding remarks summarizing the findings.

4. Panel: 1(2) Law's violence and the gendered body: traumatic repercussions

Venue: D44, Vasagatan 1
Convenors: Kati Neiminen & Sanna Mustasaari, University of Eastern Finland

Law's violence is a well-recognised dimension of law; the violence of law is associated with the penal system and the enforcement of law, or with the withdrawal of status, benefits, and effective access to justice as well as law's inability to address massive scale harms and law's contribution to different forms of exploitation. (E.g. Benjamin 1978; Cover 1986; Derrida 1990; Matsuda 1987; Veitch 2007.) This stream addresses a less discussed aspect of law's violence: the way in which legal norms and practices touch, form, mold and discipline our physical bodies. The stream studies experiences of intersectional violence from the perspective of the gendered body and asks how intersectional violence works to isolate and silence gendered bodies by making them invisible or forcing them into public examination. The intertwining of discursive and physical, of legal and medical, and of legal and political, for instance, (re)produces the ways in which we experience ourselves in our physical bodies, how we are experienced by others as bodily beings, and normatively circumscribes our physical existence in the world. The intersectional violence produced in the epistemic, discursive, and disciplinary practices of different regimes both produces and destroys us as autonomous beings. For this stream, we welcome empirical and conceptual analyses based on different research traditions as well as presentations based on, for example, artistic expressions or activism. We encourage participants to rethink legal tradition's onto-epistemological assumptions, including those on subjectivity and objectivity, for example through autoethnographic contributions. Our stream responds to the overarching conference theme 'Past-Present-Future' by inviting contributions that

focus on the temporal elements of violence and trauma and / or engage with the present and future challenges of law in dealing with gendered violence and trauma as well as the histories and legacies of Nordic women's law and law and gender in the Nordics.

(I) Title: On Gardens of the Anthropocene: Gendered Violence, Colonial Legal Enclosures, and Feminist Posthuman Kinship
Author: Matilda Arvidsson, University of Gothenburg
Abstract: This presentation is based on an autoethnographic study centering on the experience of colonial and gendered violence, of becoming complicit in law's violence as a legal scholar and practitioner, as well as of how posthuman feminist transversal alliances can act as a transformative, ethical force of kinship for living with both enduring violence, complicity and resistance.

(II) Title: The hidden, gendered, price of engineering education: an anthropology of university sexual violence reporting mechanisms by student activists
Authors: Pascale-L Blyth, Doctoral Ombudsman, Chalmers University of Technology, Sweden; **Alla Toktarova**, Doctoral Student, Chalmers University of Technology, Sweden, and **Anonymous authors 1, 2 and 3**
Abstract: Bullying is thought to be the leading cause of why women leave academia. Over half of female doctoral students in Sweden experience sexual harassment and bullying, a figure that contradicts Sweden's image as a feminist country. Women in male-dominated specialities, and in private universities are particularly at risk. Moreover, universities frequently isolate and silence the victims, re-sexualize and traumatise them by treating victims in a manner reminiscent of rape trials, and disregard the trauma. This gendered violence, by its prevalence, has been normalized, leading to acceptance rather than resistance.

Using an innovative lens from the anthropology of sexual harassment and assault and autoethnographies of female doctoral student with experiences in technical universities, this paper examines university reporting and investigation processes for sexual harassment. The paper examines the use of narratives in investigations – including how expert knowledge in the context of the university investigation (e.g. HR, department management, union, etc.) translate, diagnose, classify and objectify sexual harassment, how they determine who is a victim and who not, who is believed, and how they construct scripts of consent and harassment. This paper finds that university reporting and investigation frameworks for sexual harassment are far from neutral and benign in their current form, reproducing some of the political violence of rape and rape trials, using similar narratives, and raising questions about the political nature of technology and its teaching. The frameworks to fight the political violence that is sexual harassment requires development and improvement.

(III) Title: Post Mortem: Intersectional Violence in Battles over Gender, Sexuality and the Dead Body
Author: Sanna Mustasaari, University of Eastern Finland
Abstract: In August 2021, a 21-year-old woman jumped from a balcony of a residential building and died, hopefully only minutes after the jump. Both planned and accidental, as suicides tend to be, her act demonstrated self-determination over a body that was her own but that was penetrated by control, regulation and violence to the extent – this is my interpretation – that she saw taking her own life as the only autonomous decision she could make. While romanticizing a suicide would be both unethical and a misinterpretation, her act leaves us with questions that go beyond the personal tragedy of her death. Regardless of her own wishes, her body, both dead and alive, was and continues to be thoroughly politicized. As a transwoman, she had for years been exposed to investigations, medical treatments, evaluations, gendered and sexual violence, as well as regulation and forced politicization. As her mother, I followed these events and processes closely and, to some extent, even took part in them. With concern and confusion, I observed my child's body become a battlefield, legally, psychologically, culturally, and medically.

In this paper, I draw on insights from autoethnographic approaches (e.g. Ellis et al. 2011) to try and make sense of my personal experiences and memories as a mother of a young transwoman in order to understand the broader cultural and relational practices, values and battles that work on individuals and shape their strategies of resistance. Particularly, I focus on how my daughter's body, gender and sexuality were made political and how she resisted this politicization. Even though her body no longer exists physically, the battles over her gender, sexuality and body still linger on in diverse forms. From legal and ethical perspectives, I examine the various reasons, rights and responsibilities to speak or stay silent about the violent processes and dead bodies in which they took place.

(IV) Title: I, the violence
Author: Kati Nieminen, University of Helsinki
Abstract: Alzheimer's disease is a violent decease, it takes over the lives of everybody involved. Caring for someone with Alzheimer's may also be violent, both legitimately and illegitimately. In this presentation I reflect my own experiences as someone who raises the dormant violence of the law in my role as the donee of my mother, who has Alzheimer's. I am an accomplice to law's violence, I am its executor.

Law is often presented as the opposite of violence, and so is care. However, both, as is well known, have "a dark side"; both enable, hide, and sometimes legitimise violence. Law's violence is often located in its foundations: law's foundation *is* violence. It is also often discussed in terms of its *force* and *enforcement*. In my own previous work, I have engaged with the discursive and constitutive aspect of law's violence.

In this presentation, however, I would like to discuss the ways in which law uses us as vehicles of its violence, and how we use the law's potential for violence for our own purposes.

I found myself resorting to the enabling violence of law when I did everything in my power to get my mother first to accept help, then to lure her to the doctor's appointment to get her right to self-determination drastically limited, and finally, to get her removed from her own home. I took over her whole life, and I used all the tools I had, and one of them was law. I activated the law's violent potential, and she resisted me almost every step of the way, until she didn't anymore.

As the donee (guardian) of my mother's interests, I am accomplice to law's violence. Law's violence can be raised against people in different ways. In this presentation I reflect the ways in which law's force can be used in an interpersonal relationship; in a situation that is based on *care*.

5. Panel: 3(3) Gender in Law & Political Economy: At the Boundaries of the Welfare State

Venue: C32, Vasagatan 1

Convenors: Maj Grasten, Copenhagen Business School, & Miriam Bak McKenna, Roskilde University

Chair: Miriam Bak McKenna

(I) Title: Like Any Other – More or Less. Labour Law and the (In)Formalization and (In)Visibilization of Domestic Work

Author: Ilona Steiler, Tampere University

Abstract: In light of the re-emergence of domestic labour as often irregular and precarious work in the Nordic countries and the question of how to adequately organize and remunerate house and care work, this paper revisits the conundrum of whether to regulate domestic labour as work 'like any other' or 'no other'. It thereby draws lessons from the largely informalized labour markets in the global South, where domestic labour has long provided level-entry livelihoods to millions of predominantly female workers. It suggests that vulnerabilities and precariousness in domestic labour relations are best conceptualized along multiple continua between public and private, wage work and family, visible and invisible as well as formal and informal, rather than in clear-cut, binary categories reflected by labour law. The argument is informed by the theoretical lens of intersectionality, which is useful to explore the complex and contingent ways in which law interrelates with the (in)formalization and (in)visibilization of domestic labour based on gender, ethnicity, age, marital status, citizenship and educational background, not only of the workers but also their employers. As labour law relies on clear distinctions and compartmentalization, definitions of who counts as a worker and what constitutes an employment relationship tend to produce and maintain legislative and regulatory precariousness affecting some groups more than others, despite the intention of the law. This is empirically illustrated by domestic workers' experiences in Tanzania, where domestic labour is fully covered by labour law but workers largely remain excluded from legal protection in practice.

(II) Title: Indebted by the Welfare State: An Exploration of Repayment Claims as Punitive Welfare Sanctions

Author: Clara Bergstrand, University of Gothenburg

Abstract: Nordic welfare states have often been viewed as progressive and generous. In this paper, I will challenge this notion by exploring repayment claims of child maintenance support, administrated by the Swedish Social Insurance Agency (Försäkringskassan). A repayment claim is decided when an individual – in this case predominantly single mothers – has received a benefit incorrectly. Repayment claims and incorrect disbursements are central to ongoing Swedish welfare fraud debates. By examining repayment cases from the administrative courts, this paper explores the entanglement between the legal concepts of incorrectness and cohabitation. It critically examines the suitability of these concepts in relation to repayment assessments. The court cases demonstrate that the traditional views of the nuclear family are upheld as norm, despite clashing with the reality of present-day family patterns. The impact of receiving a repayment claim from the Social Insurance Agency results in the individual – the single mother – being indebted to the agency, with significant interest rates applied to the debt, creating a situation where they would struggle to repay the debt. This, in turn, increases the risk of the parent being referred to the Enforcement Agency (Kronofogden). This impacts already marginalised populations – in this case especially women – and exposes them to significant harm and/or financial destitution. Ultimately, this paper will argue that repayment claims highlight an increasingly punitive and harmful aspect of contemporary welfare governance that runs contrary to the professed ideals and reputation of the Swedish welfare state.

(III) Title: An Open Secret: On the Border Control of Irregular Migrant Workers

Author: Karin Åberg, University of Gothenburg

Abstract: In this chapter of my dissertation, I examine how race, class and gender interact in the implementation of the Employer Sanctions Directive in order to deconstruct and problematize the

popular image of employer and employee in these settings. I begin by setting out how the Directive is structured, what sanctions that are established and what protection that is offered to the undocumented workers. Thereafter, I delve into the question of how inspections and sanctioning is carried out, and argue that migrant men are specifically targeted by these sanctions as well as disproportionately affected by them. I draw on Marxist theorizations of irregular migrant workers to explain how the effects of the Employer Sanctions Directive aligns with the application of borders as control of labour. In the last section, I turn the perspective to gender and examine how undocumented migrant women in domestic and care work are overlooked in this type of labour/border control. When using the term 'domestic and care work', I apply the definition developed by Bridget Anderson as 'the three C's' – cooking, cleaning and caring. Furthermore, I apply Sara Farris' writings to explain why the political economy of Europe depends on the continued labour of these women.

(IV) Title: Balanced, Precarious, Essential: Political Economy and Social Reproduction in EU Law
Author: Ivana Isalovic, University of Amsterdam
Abstract: For decades materialist feminists from the Global North have argued that social reproduction (e.g. bearing and raising children, cooking, cleaning, providing care for dependents) while essential to the functioning of capitalism, is economically and socially erased and devalued. Tightly linked with their critique of the prevalent neoliberal economic model in the Global North, feminist argued that a new gendered division of labor emerged as a result of globalization: intensive liberalization of trade and the simultaneous imposition of the neoliberal logic globally, leading to the erosion of welfare states and care infrastructures, went hand in hand with the creation of feminized racialized proletariat from the periphery and the Global South, leaving their dependents, to ensure the social reproduction of the Global North. Within this context, and drawing on materialist and intersectional feminist approaches to political economy, my contribution examines how social reproduction is regulated in EU law across various legal and policy fields (internal market, social policy, gender equality, and immigration law). I argue that the current legal framework creates hierarchies across gender, race, ethnicity and class lines. To show this, I will use the examples of three 'ideal' types of carers: the 'balanced' women, the precarious EU migrant, and the non-EU migrants, and argue that each one of them is differently made precarious within EU law.

14:15 – 15:15 Break and afternoon coffee

15:15 – 16:45 Five parallel sessions

1. **Writers' workshop. NB: this session starts already at 15:00 (with coffee in the room)**
   Venue: CIP room, Vasagatan 1
   Convenors: Matilda Arvidsson, University of Gothenburg, & Maria Elander, La Trobe Law School, Melbourne
   Participants: Hedvig Lärka (University of Gothenburg), Elina Sagne-Ollikainen (Åbo Akademi), Paola Zichi (Queen Mary University, London), and Lisa Schmitz (Lund University)

2. **Bodies, Creatures, and the Transhuman**
   Venue: B34, Vasagatan 1
   Convenor: Elena Circovic, Aarhus University

   (I) Title: Queer Futures and Mutual Aid
   Author: Pierre Cloutier de Repentigny, Carleton University, Law, Canada

   (II) Title: What is left of the Real
   Author: Vanja Hamzic, SOAS School of Law, UK

   (IV) Title: A Creature in the Making
   Author: Elena Cirkovic (& Satu Miettinen, University of Lapland, Department of Art and Design), Aarhus University

   (V) Title: Posthuman Legal Subjects: The Swarm
   Author: Matilda Arvidsson, University of Gothenburg

3. **Book launch III: Grievance Formation, Rights and Remedies: Involuntary Sterilisation and Castration in the Nordics 1930s – 2020s**
   Venue: E43, Vasagatan 1
   Convenor: Daniela Alaattinoğlu, University of Turku
   Participants: Daniela Alaattinoğlu presents her recently published book, Grievance formation, Rights and Remedies: Involuntary Sterilisation and Castration in the Nordics, 1930s–2020s (Cambridge University Press 2023), followed by comments by Anne Hellum (University of Oslo) and Sari Kouvo (University of Gothenburg).

In the last century, the treatment of victims of involuntary sterilisation and castration in Nordic countries has varied drastically from state to state, across time and victim groups. Considering why this is the case, Daniela Alaattinoğlu investigates how laws and practices of involuntary, surgical sterilisation and castration have been established, abolished and remedied in three Nordic states: Sweden, Norway and Finland, over the last 100 years. Developing the concept of grievance formation, the book explores why some states have claimed public responsibility while others have not, and why some victim groups have mobilised while others have remained silent. Alaattinoğlu illuminates issues of human and constitutional rights, the evolution of the welfare state and state responsibility in both national and global contexts.

4. Panel: 2(2) Law's violence and the gendered body: traumatic repercussions

Venue: D44, Vasagatan 1

Convenors: Kati Neiminen & Sanna Mustasaari, University of Eastern Finland

(I) Title: Binary law's epistemological violence as an ontological part of the legal subject – towards a new materialist onto-epistemology

Author: Juho Aalto, University of Turku

Abstract: Legal subjectivity, a socio-legal construct, has been and stlll is a means often used in differentiating "the subjects" governed. Legal subjectivity has transformed in the West from being a subject of a prince to becoming a subject in the Simone de Beauvoir's Other to a subject enabled and constrained by biopower through intensified means of governing the human body through laws and social norms. The legal social constructed legal subjectivity has been criticised from a variety of different perspectives ranging from feminisms to queer theory, which are taking after *le siècle de lumierès* - liberalism and later post-colonial emancipation to name a few. The aforementioned criticisms however are based on the Western metaphysical assumptions based on the axiomatic acceptance of the existence of subject/object dichotomy deriving from Ancient Greek philosophers. The ways of understanding the world through different epistemologies (formal, meta, social, or historical) pondering how we can know and what we can know, or can we even know seemingly have become reduced in legal reasoning to the assumed existence of binary oppositions or dualisms in general such as subject/object, male/female and so forth. These dualisms according to postmodernists become hierarchies through the use of language and subsequently accepted as "truths". This think piece ponders upon the possibiliEes of placing these binary hierarchies as part of the legal subject's ontology by a new materialist onto-epistemology and by so demonstrating how the workings of power might be found in unexpected places.

(II) Title: Law and Trust in Migrant Women's Experiences of Sexual Harassment in Finland: A Qualitative Inquiry

Author: Yulia Dergacheva, University of Turku

Abstract: My study explores the experiences of Russian-speaking migrant women in Finland, a community of which I am a part. I specifically focus on the experiences in relation to sexual harassment within the broader context of sexism and gender (in)equality. For this research, I employ the research-assemblage methodology (Fox and Alldred 2015), which goes beyond conventional social inquiry by considering research as a process of gathering and analysing data. The research-assemblage approach involves mutual knowledge-building with research participants during interviews and incorporates elements of auto-ethnography.

In this paper, I present the findings of my inquiry. The discourse of law plays a significant role in shaping how women perceive and discuss sexual harassment. On one hand, I have discovered through the stories that migrant women often embrace a narrative of an imaginary gender-equal and socially just paradise. This narrative aligns with the concept of Nordic exceptionalism (Phillips 2023) and the self-framing of Nordic countries as already having achieved gender equality (Vuori 2009). On the other hand, migrant women encounter the intersection of gender discrimination and 'migrantism' (Tudor 2018; 2022). This, combined with extreme precarity and experiences of lacking effective mechanisms for protection against sexual harassment, creates a dissonance between expectations of justice and the structural failure to provide such justice.

By shedding light on these narratives and experiences, my research contributes to a deeper understanding of the complex dynamics surrounding sexual harassment faced by migrant women in Finland.

(III) Title: Envisioning non-carceral futures from past social-penal experiences

Author: Merethe Riggelsen Gjørding, Aarhus University

Abstract: The violence of law far exceeds the courtroom, albeit it being a center stage for its performance. Within social-penal welfare states, support initiatives are intertwined with carcerality and played out in various ways. In my PhD study, I am concerned with the pedagogical practices embedded in crime preventive efforts from a transformative justice perspective. I have been engaging with and interviewing people incarcerated in the newly open "women's prison" of Denmark about their encounters with crime preventive measures - and the welfare state more broadly - prior to their conviction. They have shared how they have experienced the various encounters, and reflected on how the preventive efforts could be configured instead.

In this presentation, I will envision non-carceral futures from past social-penal experiences and carve out a prevention ideal, not merely concern with lowering crime, but lowering

harm (as prevalent in the zemiology tradition). I will share some preliminary arguments on the traits of the social-penal pedagogy of the Danish welfare state which involves: the pain of not being listened to, of not fitting the administrative boxes, and the individualization of structural inequalities. I will point towards the possibilities of a more transformative pedagogy and point towards where this change can already be seen. In imagining other futures informed by other ideals of justice, I will share poems written by incarcerated women from a writing workshop I arranged in the prison.

(IV) Title: When the Bleeding Beauty Meets the Sleeping Law: How Menstrual Symbolism in Nordic Fairy Tales Can Decrease Menstrual Stigma and Support the Emergence of Menstrual Rights

Author: Céline Brassart Olsen, University of Copenhagen

Abstract: Once upon a time, legislators recognized that men and women were equal. In this quest for equality, some topics did not have a seat at the table. As a result, the law fell into a deep sleep regarding some of the basic needs of women, including those related to their menstrual cycle. Nordic countries' laws are no exception to the legal silence around menstruation. Yet a myriad of legal measures can support menstruators, from access to products and bathrooms, to comprehensive menstrual education and research. Using a Jungian and psychoanalytical perspective, this article interprets the legal silence surrounding menstruation as an expression of the "legal unconscious", which perpetuates the injunction of menstrual silence and secrecy. Construing this silence as violent and traumatic, this article breaks the silence through the analysis of the Icelandic fairy tale Thorn-Rose (a version of the Sleeping Beauty) as a metaphor of menarche, the onset of menstruation. Seen as an expression of what has been collectively repressed, the fairy tale is used to inform the law, and to challenge the assumption that law is divorced from myths. Based on scholarly interpretations of the tale, the article draws several parallels: first, between the King and the patriarchal system, which tries to hide and suppress menstruation. Second, between Thorn-Rose and the unavoidability of menstruation, and the less acknowledged temporary biological need for rest during menstruation. The article concludes that Thorn-Rose provides some key insights, which support the development of a comprehensive right to menstrual health, in which menstrual stigma could be replaced by a deeper reverence for the menstrual cycle.

(V) Bodily differences and sexual agency: the need to rethink sex/gender in law

Aurhor: Marjo Rantala, University of Helsinki

Abstract: Finnish legislator and legal authorities are struggling with sex/gender. On one hand, in 2021 Finland finally gave in under pressure from international human rights law and national advocacy and introduced a new national human rights authority: Rapporteur on Violence against Women. Her gender-specific mandate prescribed by law (988/2020) can be interpreted as a formal recognition of the failure of criminal law and policy to protect women regardless gender-neutral language of legislation, typical for modern law and society. On the other hand, the past Government of Prime Minister Marin failed to draft a proposal to amend national Penal Code to criminalise explicitly female genital mutilation, contrary to the assignment given by the Parliament (EK 44/2020). Sex-specific amendment to the Penal Code was considered in the end too problematic in light of the principle of gender equality and non-discrimination (Ministry of Justice 2023).

In this paper, I discuss how Finnish lawmakers and legal scholars have not addressed sexual difference and the dilemma of essentialism when making visible the differences of bodily integrity of men and women. Regardless feminist legal scholars have revealed gender biases in different fields of law, the ontological foundations of legal personhood and law's implicit male norm remain largely intact (Pylkkänen 2009). Thus, law keeps failing those who do not fit in the norm. The paper suggests that law and gender in Finland and in the Nordics would benefit from critical queer theory (Butler 1990 and 2004; Pulkkinen 1996) and its conceptualisation of sex/gender. If sex is unnaturalized and the assumption of 'male'/'man' and 'female'/'woman' being mere facts, untouched by normative discursive power of law, gets challenged, law could better protect gendered bodies and sexual agency in all their diversity.

5. Epistemic Injustice

Venue: E44, Vasagatan 1

Convenor: Lotta Wendel, Malmö University.

(I) Title: Welfare support or surveillance: The right to education seen from a perspective of epistemic injustice

Author: Erik Björling, University of Gothenburg

Abstract: This paper investigates law seen from the perspective of local Roma families in Gothenburg. The research is rooted within a collaboration between the university of Gothenburg and a Roma women organization, Trajosko Drom and has a theoretical point of departure based on Miranda Fricker's "epistemic injustice" and Martin Buber's distinction between I-Thou and I-It. The paper argues that regulations securing the right to education, for a person living with mistrust and fear toward public authorities, is not a collection of welfare regulations, but rather a cluster of sub paragraphs focusing on surveillance and control with no obvious connection to its overarching welfare telos. Instead of being an institution of learning, the school, via for example the duty to report in the social services act, appears as a nexus of gathering information concerning whether the family is supportive enough or normal enough in the eyes of the majority society.

(II) Title: Testimonies about Honor-Related Violence: A Reflective Turn
Author: Alexandra Lebedeva, Uppsala University
Abstract: In the paper, I aim to critically analyze how testimonies of victims of honor-related violence are used in the Swedish context. I argue that there are two significant implications of this use, both related to testimonial injustice. Firstly, individual high-profile stories are used as representative and paradigmatic for the experiences of certain ethnic minorities. The experiences are constructed in contrast to what is presumed to be the Swedish norms and values (Gruber 2016; Carbin 2014, Jonsson 2004). Secondly, the use of testimonies is accompanied by the idea about given a voice to the voiceless. It derives from the notion of subalternity, and testimony as a possible way of overcoming it. By drawing on Jean-Francois Lyotard's concept of differend (Lyotard, 1984) and Fricker's epistemic injustice (Fricker, 2007), I seek to problematize the discrepancy between giving a voice and actually having a voice. I suggest that the use of individual high-profile testimonies, on the one hand, and institutional exclusion of ethnic minorities, on the other hand, produce two different systems of representation. As a result, a hegemonic order is established where one system of representation is used to silence and make invisible the multiple experiences of ethnic minorities. Both Lyotard's concept of differend and Fricker's concepts of epistemic injustice demand and give rise to the analysis of power relations that form the predominant discourse on honor-related violence. This has concrete practical implications for the victims of violence. Finally, the testimonies are used for the purpose of justification of policy and new legislation for combatting honor-related violence but paradoxically contribute to further injustices.

(III) Title: FGM and epistemic injustice. The Legal Framing of Female Circumcision/Female Genital Mutilation
Author: Lotta Wendel, Malmö University
Abstract: This presentation introduces the research project titled 'Societal Measures to Identify Suspected Female Genital Mutilation in Sweden: An Analysis of Proportionality in the Authorities' Handling of Suspected Cases' (Forte 2019-00657). The ban against this practice was instituted in Sweden in 1982. The presentation includes examples sourced from preparatory work, public policy documents, and insights from interviews with professionals within the police and social authorities. Our archive is unique on both a national and international scale, encompassing a comprehensive collection of police files dating back to the implementation of the law banning female genital mutilation.
The argument put forth is that despite well-intentioned efforts, the evolution of laws and policies surrounding the ban has been influenced by bias rooted in outdated cultural perceptions, leading to the perpetuation of epistemic injustice.

16:45 – 17:00 **Short break on the way to SEB-salen**

17:00 – 18:30 **Keynote 4: Dr. María Rún Bjarnadóttir: Is it all just a little bit of history repeating?**

Venue: SEB-salen, Vasagatan 1

Abstract: Technological advancement in the recent and coming years constitutes what is referred to as the fourth industrial revolution; fundamental alterations to the way people live, work, and relate to one another. This same technological progress has reenergised activists for gender equality and created space and tools for the fourth wave of feminism that seeks to empower women, mainstream intersectionality and utilises technology to mobilise the movement.

The strides that have been taken in technological progress are partly reliant on the masses accepting the trade-off between the convenience technologies facilitates and the compromises to privacy adjacent to that same convenience. The invasive nature smart technology can turn an innocent convenient technological solution into a weapon of surveillance and abuse in the context of domestic abuse and stalking. The marketing of private surveillance as a form of abuse calls for a question about responsibility to protect women from gendered abuse and if the narrative central to the second wave feminism 'the private is political', needs to be readdressed in this context.

Further, there are indications that a gender imbalance surrounding the development of the tech industry in the last decades has infused standard setting and norms contributing to a standardisation of static attitudes of gender equality. The fast pace of development and adaptation of Artificial Intelligence in particular raises concerns that in the context of gender equality, the fourth industrial revolution might cause a regression rather than advancement.

Dr. **María Rún Bjarnadóttir** is the Director for Internet Safety at the Icelandic National Commissioner for Police and the Vice Chair of the Icelandic Media Commission. She is a member of Grevio, the independent expert body responsible for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Her expertise lies at the intersection between technology and human rights and her professional experience extends to regulatory, advisory and policy roles in the fields of cybercrime, violence against women, human rights and internet law. She has advised NGO's, governments, and public entities on issues of cybercrime, online abuse, gender-based violence, gender equality, freedom of expression and privacy. In her academic capacity, María has conducted research and designed and delivered modules that contribute to a nuanced framing and application

of human rights online, notably through her award-winning research on sexual privacy online that underpinned comprehensive criminal and policy reforms introduced in Iceland in 2021. María holds a B.A. and mag.jur. in law from University of Iceland, and a PhD in law from University of Sussex.

18:30 **Joint walk** to dinner venue. Gathering at Vasagatan 1

19:00 **Dinner**
Venue: Restaurang Gården, Konstepidemins väg 6

Friday 27 October

09:00 – 10:30 Four parallell sessions

1. **Writers' stream. NB: 09:00 – 11:00**
   Venue: CIP room, Vasagatan 1
   Convenors: Matilda Arvidsson, University of Gothenburg, & Maria Elander, La Trobe Law School, Melbourne
   Participants: Hedvig Lärka (University of Gothenburg), Elina Sagne-Ollikainen (Åbo Akademi), Paola Zichi (Queen Mary University, London), Lisa Schmitz (Lund University), and Olivia K Lwabukuna (School of Law, SOAS University of London)

2. **Past-present-future of Nordic Family Law**
   Venue: B33, Vasagatan 1
   Convenors: Erik Mägi, The University of Gothenburg, and Elin Jonsson, Umeå University
   Chair: Eva-Maria Svensson

(I) Title: The Significance of Sexuality and Gender in a Changing Swedish Parenthood Regulation
Author: Elin Jonsson, Umeå University
Abstract: In the legal areas that regulate who becomes a parent, the significance of gender has in substantial aspects diminished in recent decades. Up until a few years after the turn of the millennium, Swedish law only acknowledged joint parenthood for different-sex couples and, unlike the use of donated sperm, utilizing donated eggs was not permissible. In the 2010s, the requirement of sterility for gender adjustment in the population register as well as the legal impediment to IVF utilizing solely donated gametes were abolished. Legislative changes in recent years have led to increased gender equality regarding the presumption of parenthood for married parents and the acknowledgement of legal parenthood established abroad.

The significance in question is now less about possibilities to parenthood and more about the categorisation concentrating on the biological or legal gender of parents. Alongside gender-specific regulations, separate rules apply based on the gender of the partner and also based on whether either of them previously has had another gender registered. Against this background, the presentation focuses on ways in which gender and sexuality imbue the regulation of parental status and health care-provided assisted reproduction in a country that within a decade has gone from enforced sterilization to proposals that include gender-neutral legislation within family law. It further raises the question of the extent to which the centrality of gender can be done away with as long as the centrality of sexuality and sexual reproduction is being fortified in the regulation of becoming a parent.

(II) Title: Gender Identity and Legal Parenthood: a comparative analysis of transgender parents in England & Wales and Sweden
Author: Matt Jordan, Cambridge University
Abstract: This presentation will discuss the allocation and recording of legal parenthood, comparing the approach in England & Wales with that of Sweden. It will explain that, in England and Wales, the person who gestates and gives birth to a child is legally that child's mother, regardless of their gender identity. This approach was confirmed in the recent case of R (on the application of McConnell) v Registrar General, which held that a transgender man who gave birth to his son must be recorded as the child's 'mother' on the birth certificate, rather than as the child's 'father', 'parent', or 'gestational parent'. This outcome is unsatisfactory and acts as an example of English law preferring to uphold fictions for the sake of administrative order rather than recognising social realities and lived experiences.

This talk will propose that Swedish law has dealt with analogous cases in a more satisfying way. In A and B v Skatteverket, the Administrative Court in Gothenburg concluded that a transgender man who transitioned after giving birth could be retroactively registered as the child's father. Doing so was thought to be in the best interests of the child (because it prevents involuntary disclosure of the change in gender) and is consistent with the aims of population registration (recording accurate and relevant information about individuals). One legacy of Nordic family law might, therefore, be pragmatic adjudication which brings law into line with reality.

(III) Title: Unpacking Concepts of Maternity: Patterns of Norms and Exceptions in Swedish Law
Author: Erik Mägi, University of Gothenburg
Abstract: Who is a mother? In recent decades, a broader array of family and parenthood scenarios has been legally recognized in Sweden, as well as in several other jurisdictions. However, at least in Sweden, the rules of maternity continue to be rooted in ancient Roman principles, presuming that a child's mother is the woman who gives birth. This principle has been challenged by adoption, uncertain maternity, egg donation, surrogacy, same-sex couples, and transgender parents. Yet, these

situations are governed by exception rules, which are often more complicated and less favourable for the child.

My PhD thesis explores the evolution of legal parenthood from a norm-critical perspective. This involves critically examining and highlighting what is perceived as standard or neutral, what are considered special cases or exceptions to such norms, and what is viewed as non-existent. Maternity is intimately tied to perceptions of womanhood. This paper seeks to explore how patterns of norms and exceptions in legal parenthood can be understood when approached from different angles, such as essentialism, social constructivism, performative acts, and material conditions.

3. **2(2) General stream**

Venue: B34, Vasagatan 1

Convenor: Erik Björling, University of Gothenburg

(I) Title: TBA

Author: **Sari Kouvo**, University of Gothenburg

(II) Title: A New Nordic Religious Law

Author: Lisbeth Christoffersen, Roskilde University

Abstract: The separation of the Nordic majority churches from the Nordic states, administratively, economically, theoretically, implies a central dimension of legal separation. Also, the human rights understanding of religion as a field of collective organization, free from state law influence, and the social fact of a diversity of lived religious law, have impact not only on the members and leaders of the churches, but also on society in all. The transformation implies basic changes in the understanding of the law in the Nordic countries.

(III) Title: Putting intersectionality into Sociology of law. Exploring the interplay between gender equality and diversity

Author: Eva Schömer, Kristianstad University

Abstract: Intersectionality has been a vital tool since the 1980s to uncover injustices and discrimination faced by individuals. Gender equality is one of the aims that strives to provide both men and women with equal opportunities (generally speaking). However, gender equality is a 'social behaviour' norm based on an idea of how men and women should behave, with power relations that oppress women and elevate men. When gender equality intersects with diversity, it often results in a clash, as different societal norms do not always fit with one another. Intersectionality can be understood through the concept of norms, which is a widely used yes complex term. The norm perspective, modelled after the work of Michel Foucault (2002) and Judith Butler (1993, 2004), focuses on normalising principles. The problem that needs to be examined is the norms or structuring forces that are exclusionary and hierarchising, which make certain lives recognisable and liveable as normative while marginalising others. Storytelling can be an effective way to both oppress and liberate individuals, according to Mary Joe Frug (1992), a postmodern feminist lawyer who worked in the field of sociology of law. By centring personal experiences, legal analysis can become more responsive to the needs and experiences of marginalized groups. Frug suggests that personal narratives can reveal the ways in which law and legal institutions can both oppress and liberate individuals. By sharing personal stories, individuals can challenge dominant narratives and reveal the complexities of their experiences. By centring personal narratives in legal analysis, Frug argues that legal scholars can better understand the real-world impact of legal doctrines and institutions on individuals and communities. Personal narratives can also reveal the limitations of traditional legal analysis, which often focuses on abstract principles and ignores the lived experiences of individuals. Lena Martinsson (2014) illustrates how the 'gender-equality-norm' has become a nationalizing context where 'gender equality' has been made into something 'Swedish' and has transformed Swedishness. Societal norms have been focused in the field sociology of law for a long time. I would argue that one should both consider and use court cases as material for storytelling.

(IV) Title: Swedish gender inclusion Strategies

Authors: **Sara Winnfors** Swedish Transport Agency, and **Sandra Moberg**, & **Ellen Thorell**, Swedish Gender Equality Agency

Abstract: Equality between women and men is a fundamental constitutional norm and an explicit policy objective in Sweden. The ultimate aim of Swedish gender equality policy is for women and men to have the same opportunities, rights and responsibilities in all areas of life. The gender equality work is ultimately a matter of redistributing power and resources in order to achieve the goal. In 2018 The Swedish Gender Equality Agency was established. It´s main task is to coordinate, follow up and provide various forms of support in the area of gender equality. The agency also supports other government agencies in the program – Gender mainstreaming in government agencies. As transportation is essential in the daily life, it is crucial for it to support everyone, regardless of their gender or social status. Transport is a traditionally male-dominated sector, both from an employment point of view and for the values it embodies. In Sweden and at the Swedish Transport agency Gender mainstreaming is a core strategy. Gender mainstreaming means that all decisions in all policy areas and at all levels shall be characterized by a gender equality perspective. Making transport policy more responsive to the needs of women and men requires a structured

approach. This includes identifying instruments to address the needs, analyzing the costs and benefits of those instruments, and establishing an appropriate policy framework.
In this seminar we will present the work with gender mainstreaming at the Gender Equality agency and the Swedish Transport agency. We will discuss success factors and challenges in the work. We will also discuss how a gender perspective is central in relation to laws and regulations in the transport area.

4. **2(2) Criminal (in)justice? Criminal law studies in times of penal populism**
Venue: C34, Vasagatan 1
Convenor: Linnéa Wegerstad, Lund University, & Ulrika Andersson, Lund University

(I) Title: Do legislator and medicine mean the same thing by the term female genitalia?
Author: **Anu Puustinen**, University of Eastern Finland
Abstract: This article outlines research, is the concept of 'female genitalia' same in legal and medical terms. The concept plays an essential role in the fulfilment of the constituent elements, and with it the measurement of punishment. In Finland, legislation on sexual offences was amended from the beginning of 2023. The new definition of rape in the Criminal Code is based on consent. Definitions amended slightly, but it does not define the genital organ either. In older proposals, the only reference to a woman's genitalia is that "intrusion can be vaginal." In the most recent government proposal, female genitalia have once been defined more specifically by mention that by touching female external genitalia with a tongue, the definition of sexual intercourse could be fill. Medically, female genitalia have been considered to include both external and internal genitalia. The legal text refers to only the genitals. Most obviously the legislator means that internal genitalia are same as female genitalia. The lawmaker uses the word 'intrusion' in the definition of a rape crime. The Western Swedish Court of Appeals (B 6074-22) overturned the district court's judgment because, according to the Court of Appeal, it was unclear what a fanny (snippa) is. According to the Court of Appeals, in the Swedish dictionary, the fanny refers to the external parts of the female genitalia, such as the labia, and is not synonymous with the vagina. The situation of the Swedish Court of Appeal would also be very possible in Finland. The question of whether legislators and medicine mean the same by the term female genitalia is important because differing definitions bring ambiguity to the interpretation of the law.

(II) Title: Criminal justice for whom or what? Unpacking labour exploitation in Sweden through an intersectional lens
Author: **Anna Sonnsjö Andersson**, Lund University
Abstract: Considering the development known as the punitive turn in the Nordics another shift can be noticed: Criminalized areas are increasingly being defined in relation to the victim's personal integrity or other protected spheres, as opposed to the offender's blameworthy act. Furthermore, the character of the interests' worthy of legal protection is shifting, moving from the concrete individual to the abstract State. One telling example is the criminalization of *labour exploitation* (4:4 b § Swedish Criminal Code). The offence is constructed as a crime against freedom, personal integrity, and human dignity. At the same time the legislator states that the victims would be "people who as a result of their vulnerability, doesn't fully realize their human dignity" (prop. 2017/18:123 p. 46). This suggests that the provision correspond to several, and perhaps conflicting, legal interests, and that one such interest is the Welfare State and a minimum standard of "dignity" in society.

When criminal law shifts its focus from the individual to public goods the question of exclusion must be addressed. Who is the exploited worker? What is laws perception of labour? Which workers are excluded from the Swedish labour market and Welfare State? I argue that legal concept of labour and the labour market is gendered and raced. Therefore, when public goods such as the Welfare State and a general norm of dignity influences the definition of the criminalized area of labour exploitation, there is a risk that criminal law fails to account for the diverse group of victims/workers and their lived experiences of intersectional vulnerability and subordination. In this paper, I explore how labour exploitation can be understood through an intersectional lens and discuss where the challenges lie for an intersectional/critical engagement with criminal law.

(III) Title: How to deal with stereotypes in an evidentiary framework based on relative probabilities but the individuality of cases?
Author: Otava Piha, University of Helsinki
Abstract: In rape myth research, courts have been heavily criticised for relying on harmful stereotypes about rape, rape victims and rapists. However, while background beliefs can be incorrect as general beliefs – for example, that a rape complainant whose testimony is incoherent is lying – they can hold true in a particular case – *this* rape complainant is lying, which manifests in an incoherent account (Temkin 2010).

According to probabilistic (Bayesian) theories of evidence, the evidence in a criminal trial should be evaluated by calculating the probability of the defendant's guilt considering the evidence that has been presented. Lurking in the background is the probability of the evidence occurring even though the defendant is innocent. Bayesian calculus requires knowledge or an estimate of 'prior probabilities'. According to explanationist theories of evidence, such calculus is generally impossible, and instead fact-finders reason by looking for an explanation for the evidence presented and evaluating the coherence (and other qualities) of different explanatory narratives

(typically at least the narrative of the indictment and the narrative of the defendant). Which version of events sounds more 'plausible' or 'credible', which explanation for the evidence is 'better'? Because few behaviours are impossible, however, even explanationist reasoning takes on a probabilistic character, where some actions are 'more coherent' with rape than with non-rape, or vice versa.

Both probabilist and explanationist theories thus rely on knowledge about how the world generally works. However, such reasoning inevitably relies on generalisations about behaviour, i.e. stereotypes. If we, however, reject a reliance on harmful stereotypes (like rape myths), how can we justify using some stereotypes as the basis of our reasoning? What makes reasoning from *generalisations* justifiable in one situation but not another, considering that a trial aims to establish the facts and guilt in a *particular* case?

(IV) Title: Criminal Justice as the Only Way: Defamation Judgments Related to #MeToo in Sweden.
Authors: Ulrika Andersson and **Linnea Wegerstad**, Lund University
Abstract: This paper presents a study of court cases involving women who, in connection with #MeToo, identified alleged perpetrators in social media and were later prosecuted for and convicted of criminal defamation in Sweden. While this kind of behaviour – also called 'naming and shaming' – is contested, we conceptualise the use of social media to share experiences of sexual violence as an informal path to justice that makes it possible for individuals to have a voice and gain recognition of their experience. First, we show that this conceptualisation is supported by how the women's reasons for sharing their information are described in the judgments, such as telling their story and sharing it with others, getting support, warning others, and expressing disappointment in the justice system. Second, according to Swedish defamation law, a truth defence is allowed only if the defamatory statement is first considered to be justifiable. The justifiability assessment is a balance act between the defendant's interest of freedom of speech against the complainant's interest of honour and reputation. All cases studied ended in guilty verdicts due to the lack of any justificatory grounds. The study thus shows that an informal justice mechanism such as speaking out on social media is not recognised as a legally valid defence against defamation claims. In effect, through the defamation cases that followed #MeToo the criminal justice system emerges as the only way to justice for victims of sexual violence, namely to report to the police; it will act repressively towards an individual/women/ who speaks out about sexual violence outside the criminal justice system in a way that identifies a perpetrator. While victims of sexual violence express a variety of justice needs, and freedom of speech might be essential for executing some of them, defamation law puts an end to some of them.

10:30 – 11:00 **Pass-it-on book table for feminist literature**

Venue: Outside SEB-salen

This is an opportunity for everyone to pass on books (we have one too many of, or that we have already read), exchange experiences intergenerationally and interdisciplinary. Bring books, articles, items, stories and more.

11:00 – 12:00 **Concluding roundtable and closing remarks**

Venue: SEB-salen, Vasagatan 1

Panelists: TBA

12:30 – 13:30 **Lunch**

Venue: Rhösska museet, Vasagatan 39

End of conference for this time around! Thank you all.
We stand together in power.