# The Neutral Law? Essays in Honour of Johanna Niemi

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Source: University of Helsinki. Dean Johanna Niemi, Faculty of Law.
Photographer Veikko Somerpuro 10/2021.




ISBN: 978-951-51-8339-2 (pdf) | 978-951-51-8340-8 (print)
DOI: 10.31885/9789515183392

# 6 Breaking the Legal Glass Ceiling in 'Gender Equal' Finland

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> For that visit to Oxbridge and the luncheon and the dinner had started a swarm of questions. Why did men drink wine and women water? Why was one sex so prosperous and the other so poor? What effect has poverty on fiction?
>
> Virginia Woolf, *A Room of One's Own*

*Abstract*

Who are the senior producers of legal knowledge and senior legal practitioners in Finland? Inspired by recent international scholarship on the people behind the law and glass ceilings in academia and the legal profession, this chapter investigates the gender balances in three high-level sites of legal knowledge production and practice: i) the Finnish Supreme Courts, ii) the professors working at Finnish law schools, and iii) the partners of major law firms in Finland. In the Finnish context, the text continues the discussion initiated by Johanna Niemi and Daniela Alaattinoğlu on the gendered legacy of Finnish law and its implications for today's Finnish legal scholarship and education, posing the question of why discussions on gender and representation—while women increasingly enter legal professions—are still underdeveloped and contested in a country which claims to already be 'gender equal'.

## Introduction: Does Representation Matter in Law?

Johanna Niemi has done extraordinary things in her legal and academic career. She has, for example, been one of the trailblazers within Finnish research on women and law, later gender and law,[1] establishing the legal discipline as one to be reckoned with in an academic environment which has not always looked favourably upon the field (see Niemi 2015). She can also be described to have shattered (parts of) the glass ceiling—that seemingly invisible, in this case gendered, barrier to senior roles—within the legal profession in more ways than one, most recently as the Dean of the oldest and largest Finnish law school.[2] While Johanna's own scholarship has primarily focused on other questions than the glass ceiling and gender representation, this chapter focuses on these themes in the Finnish legal context. I have made this focal choice since I would like to, from a slightly different angle, address phenomena which Johanna's scholarship and teaching have taken issue with, particularly the often-assumed neutrality—particularly gender neutrality—of the law and its creators and thinkers, as well as the myth of gender equality as an already achieved state in Finland (see, for example, Niemi 2017; Niemi & Kainulainen 2017; Niemi 2013; Niemi-Kiesiläinen 2004).

Law, like much academic writing in general, has traditionally not paid much attention to the producers of knowledge within the discipline, since their positions, experiences, ethnicity,

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1 In this text, 'gender' is used both to refer to both 'sex' and 'gender', since both are inherently interdependent and socially constructed, rather than one being simply 'biological' and the other 'social'.

2 Senior leadership roles (such as Deans or Rectors) in Finnish academia are typically dominated by men —this said, Johanna Niemi is not the first woman to be the Dean of the Faculty of Law in Helsinki.

gender, race or class are considered unimportant and thus often remain hidden from the reader. For example, utilising the 'god trick' (Haraway 1988)—positioning the author of the text outside of it, as the objective, non-situated, omniscient observer—is a common practice in both legal and scholarly writing. Furthermore, much owing to the legal objectivity ideal and the aim of treating people equally before the law (see Alaattinoğlu & Niemi 2022: 313; Bladini 2013), law strives to, and is often assumed to be, impartial and neutral—assumingly requiring the same from its authors. Yet, the producers of legal knowledge and the actors behind legal practice, with their experiences and situated knowledges, are always partial in the sense that their perspectives are, by default, situated and incomplete (see Haraway 1988).

Drawing on a small, albeit representative, dataset, this text is an attempt to (re)start a conversation about gender parity and representation in senior legal professions in Finland. I am guided by the question of what the gender balance is in the senior roles of the Finnish Supreme Courts, Finnish law schools and the largest Finnish law firms. Raising this question, I am particularly inspired by recent international scholarship and reports on gender parity (and lack of such) and representation within academia (see, e.g. Flynn et al 2019; LaBerge et al 2024; Dixon & Versteeg 2023; NordForsk 2024; EIGE 2022), efforts to address gender parity in courts (see Ashraph et al 2024; Skaar et al 2022) as well as acknowledging the importance of 'counting', or collecting quantitative data, as one strategy (yet not claiming that it should be the *only* one) when it comes to achieving gender equality (e.g. UN Women 2024; Galán-Muros et al 2023). Asking how gender equality is realised in terms of representation in senior legal roles in Finland, the chapter seeks to continue the discussion started by Johanna and myself on the simultaneous gender-blindness and male-dominated authorship in Finnish criminal law syllabi (Alaattinoğlu & Niemi 2019; 2020).

Across all senior legal roles examined in this paper, representation and gender balance are sporadically addressed at the organisational level. Except for more abstract commitments to gender equality, general policy documents and guidelines such as plans for the promotion of inclusion and equality (e.g. in higher education institutions and courts), the legal institutions and law firms investigated do not utilise concrete measures to ensure gender equal representation, such as gender quotas (nor are they legally required to do so).[3] Representation and gender balances specifically within the Finnish legal profession are rather under-discussed topics—while gender parity has more systematically been addressed within political decision-making in Finland (see e.g. Holli 2011).

At the outset, it should be recognised that the methodological approach used in this small-scale study is not without problems. One issue is its limitations, the first being the quite rough and definitely limited understanding of gender equality which appears through quantitative analysis and by only investigating the top layers of a few legal fields. Furthermore, with the exception of the Finnish Supreme Court, which uses the gendered pronouns 'Mr' and 'Ms' in its list of Justices on the English version of its website,[4] I have deducted the gender of the individuals who have been counted based on their first names. This method of deduction, relying on gender assumptions, is inherently flawed, since it provides little insight about the

[3] The actors investigated in this chapter are not directly affected by the gender parity requirements in, for example, the Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures or the Finnish gender quotas in public institutions according to Laki naisten ja miesten välisestä tasa-arvosta [Act on the Equality between Women and Men] 609/1986, Section 4 a.

[4] The choice of gendered titles is rather peculiar, particularly since it would have been more correct in English to use the formally gender-neutral title 'Dr' for several of the justices, who have completed a doctoral degree. In modern Finnish, gendered titles are not commonly used.

gender identity of the individuals who are being counted, given that they are not personally or directly asked or heard (and, as a result, also possibly misgendered). Furthermore, the approach used is also binary, since it categorises individuals either as men or women, offering no room to consider that some individuals who are counted may identify outside of the gender binary. Other problems, which can be raised both with regards to the conceptual and methodological basis of this paper, is that it leaves little room for intersectional approaches, that it does not take into consideration other forms of societal power imbalances than gendered ones, and that it risks treating gender as a uniform category, detached from context. These are all serious concerns which merit due consideration, and which should be addressed in future research. Such research should ideally access data on self-identification of the relevant actors, and could, in turn, utilise a combination of quantitative and qualitative methods, including larger, more comprehensive datasets on representation in senior legal roles.

Despite its inherent imperfection, I have chosen the limited, quantitative methodological approach for this paper, since I consider this text an 'early attempt' at discussing the gender balance in senior legal roles in Finland, serving as a conversation starter, which should be followed by other, more sophisticated, contributions. A driving aim of the research is to discover, render visible and discuss possible glass ceilings within the legal profession. As such, I am convinced that representation matters and should be used as a tool to promote gender equality. A diversity of perspectives and experiences from different societal groups is necessary in knowledge production (see Harding 2016). This is especially true in legal knowledge production, since law not only claims to possess the tools to understand the world, but also to normatively deduce what is *legally right* or even *just* in it.

The chapter advances in four sections. The following three sections discusses the gender balances among, firstly, the justices on the Finnish Supreme Courts, secondly, the professors in Finnish law schools, and finally, the partners in major law firms in Finland. The concluding discussion analyses the empirical findings of the article to address whether there is a gendered glass ceiling within the legal profession and among legal knowledge producers in Finland, a country which claims to be a leader in the field of gender equality.

## The Justices on the Finnish Supreme Courts

The Finnish legal system has two supreme courts, the Supreme Court and the Supreme Administrative Court. Both enjoy the legal and cultural status as prime interpreters of Finnish law, particularly regarding 'difficult legal questions'. While judicial review does not have a strong tradition in Finnish legal culture, the case law of the supreme courts is considered a source of high normative standing and is actively quoted in Finnish legal scholarship and textbooks for law students.

Courts in Finland are obliged to have an equality plan, but not an action plan for equality (The Finnish National Courts Administration 2024)—meaning that commitments to gender equality can stay on a more general and abstract level. The gender balance of the Finnish Supreme Court at the end of August 2024, as per the official websites of the Court, is 68,4 % (n=13) men and 31,6 % (n=6) women. At the moment of investigation, the President of the Court was a man.

The Finnish Administrative Supreme Courts also displayed a similar imbalance in August 2024, with 65,2 % (n=15) men and 34,8 % (n=8) women. Much like the first Supreme Court, the Finnish Administrative Supreme Court also had a male President. Since there is a greater

gender imbalance than the generally accepted 40/60 (e.g. used in Finnish gender equality legislation), it can be concluded that men are overrepresented and women underrepresented among Finnish Supreme Court justices.

Contrastingly, the Finnish National Courts Administration (2024) reported that in 2023, 62 % of all judges in Finland were women and 38 % men—making the judicial profession clearly dominated by women.[5] Yet, there appears to be a glass ceiling in place in the judicial profession, seen on the Supreme Court bench and also demonstrated by a majority of the presidents of national courts (first instance, second instance and supreme courts) being men (69 % in 2023). Moreover, at the time of research (August 2024), looking particularly at the general courts (excluding, most importantly, administrative courts), it is notable that the presidents of both the Supreme Court and the national Courts of Appeal were all men.

The Finnish National Courts Administration also recognised that when the presidential positions at courts were opened for applications in 2023, a majority (81 %) of the applicants were men (The Finnish National Courts Administration 2024). While this statement is not further analysed by the organisation, it indicates that few(er) women apply for higher roles within the judicial profession. As such, it implies that the gendered glass ceiling is not just created in recruitment situations, but probably also a result of more structural and broader societal inequalities (on this phenomenon in general, see e.g. Tabassum and Nayak 2021).

**Professors at Finnish Law Schools**

Coming to the next professional sphere investigated in this chapter, I am looking at professors as the academic leaders of the research and teaching at Finnish law faculties or departments. Law professors as senior or leading figures within legal academia play a particular role as legal knowledge producers, not merely through leading research projects and authoring texts directed at other legal academics and legal practitioners, but also as the writers of law textbooks used in legal education. Finnish higher education institutions are legally obliged to have gender equality plans with actions to improve gender equality and to actively monitor the implementation of such plans and actions (*Laki naisten ja miesten välisestä tasa-arvosta* [Act on the Equality between Women and Men], Section 5 a). Yet, there are no gender quotas in place in these institutions to ensure the representation of women also in senior roles in academia.

Within the category 'professor', I have not only included current full professors, but also research professors or Academy professors (funded by the Research Council of Finland), professors of practice and tenure-track professors. I have excluded emeritus/emerita professors, lecturers, postdoctoral researchers, doctoral researchers, research assistants, visiting staff and administrative staff. I have relied on the information provided on the official websites of the University of Helsinki, the University of Turku, the University of Eastern Finland, the University of Lapland and Åbo Akademi University in August 2024. I have limited the analysis to the law programmes of these universities, since they can award their graduates the title 'Master of Laws', which is normally the university degree required to act as a lawyer or within many positions within the legal profession in Finland. It is possible that some information on the university websites was not up-to-date at the time of research—

[5] The authority also recognises that some individuals identify outside of the male-female binary, but that statistics are only kept in a binary form (The Finnish National Courts Administration 2024). I here note that it could be a good idea for Finnish courts to rely on self-recognition in such statistical record keeping, and also allow for non-binary gender recognition.

making the study susceptible to a certain, but hopefully small, margin of error—but I consider the information on the official websites of the universities to be reliable in general.

Starting from the University of Helsinki, the higher education institution comes quite close to a gender balance among professors, with 43 professors at the time of research, among which 60,5 % (n=26) were men and 39,5 % (n=17) women. At the time of research, the Dean of the law school was a woman – familiarly by now, Johanna Niemi. The University of Turku, on the other hand, where I am working myself and where Johanna was previously working, there were, at the moment of the investigation, considerably fewer professors (n=22), among which men were overrepresented (68,2 %, n=15) and women underrepresented (31,8 %, n=7). The Dean of the Faculty of Law at the University of Turku, at the time of inquiry, was a man.

There are also law schools which achieve a gender balance at the professorial level. At the University of Eastern Finland, 32 people were employed as professors at the time of inspection and 56,3 % (n=18) of these were men; 43,8 % (n=14) women. The head of the Faculty of Law at the University of Eastern Finland was a man. Another institution which also appeared to have achieved gender parity—however with very few professors hired at the moment the study was conducted (n=7), which may be explained by the relative newness of the law program, was the law school at Åbo Akademi University, with 42,9 % (n=3) men and 57,1 % (n=4) women. The head of this program, at the time of inquiry, was a man.

An interesting outlier in the comparison was the University of Lapland, since it listed 20 professors, among which 70 % (n=14) were women and 30 % (n=6) men. Hence, it was the institution in the comparison with the starkest gender imbalance, with women overrepresented and men underrepresented. The Dean of the Faculty of Laws at the University of Lapland at the time of inquiry was a woman.

This said, it can be deduced that at the time of the investigation, it was more common that there was a gender imbalance at individual Finnish law schools than there being gender equal representation. Nevertheless, looking at all the professors at these law programs in Finland, there seems to be an overall gender balance in senior Finnish legal academia—with 54,8 % (n=68) men and 45,2 % (n=56) women law professors. There was also gender parity with a view to the heads of law programs (60 % men and 40 % women). In comparison to the judicial profession, at the moment, there appears to be less of a gendered glass ceiling in Finnish legal academia, with several women holding top positions and gender imbalances in both directions.

These observations—that there seems to be some level of gender parity in Finnish senior academia despite the lack of official quotas or equality programs—are interesting to discuss against the findings of the Nordic Centre of Excellence NORDICORE, which has investigated gender balances in Nordic academia. The Centre found there to be a general underrepresentation of women at the professorial level in the Nordic region. Yet, Finland displayed an unusual pattern in the comparison, since it has since the early 1990s had a higher level of female professors than the other Nordic countries. Interestingly, this trend has not been the result of any official gender equality initiatives. However, Finnish gender balances appear to have stagnated and not developed as much as neighbouring countries which have enforced institutional gender equality actions (NordForsk 2024).[6]

[6] More qualitative research on gender inequality in Finnish academia has been conducted, for example, by Liisa Husu (Husu 2004; 2010).

In the light of the discussion on the 'old' and 'new' Academia in Finland by Kevät Nousiainen in this volume, I here find it particularly interesting to raise the question of whether the longer tradition of more women in senior roles in Finnish academia may be related to the heavy influence of New Public Management in Finnish academia during the last decades (see Mäntylä et al 2024). This trend, manifested, for example, by performance-based public funding and increasing dependency of external funding, has been more actively embraced by Finnish higher education institutions in comparison to the neighbouring Nordic countries (Mäntylä et al 2024: 43). These kinds of neoliberal reforms may have provided a 'way in' for scholars not protected by old boy networks, but the 'feminisation' of academia has also been accompanied by its increasing precarisation, manifested by funding being more and more project-based and a normalisation of consecutive fixed-term contracts.[7]

**Partners in Finnish Law Firms**

The final group examined in this chapter is partners at Finnish law firms. A partner at a law firm is a senior-ranking lawyer who is typically also a co-owner of the firm. Partners therefore carry particular responsibility for generating revenue and can be considered the 'leaders' of their firms—much like professors lead the work at law schools, or justices at supreme courts.

This sector is perhaps subject to least scrutiny when it comes to enforcing gender parity, since law firms are considered private entities, i.e., not actors associated with public power or public resources in the same way that judicial or higher education institutions are. In this way, the public-private divide, criticised and discussed vividly in feminist scholarship, becomes visible yet again. This divide is also something that I, as the author of this text, have not escaped, since I have chosen not to name the individual law firms, since they are private entities, while the courts and law faculties are named, since they are public entities.

Since many law firms in Finland are rather small, and may only have one or two partners, I have focused only on the largest Finnish law firms (or international firms with offices in Helsinki)—more specifically, the ones included on the international 'Legal500' list in August 2024. These law firms typically focus on private law, particularly corporate law. In total, I investigated 17 law firms and the partners listed at their websites (one firm was excluded, since its websites only included limited information about people working there).

There was a great variety among the law firms investigated in terms of the number of partners, with the smallest bureaus having only 5–6 partners, while the largest one had 33 at the time of the investigation. As employers of over 30 employees (on a regular basis), many of the law firms counted are obliged by law to have plans in place for how they enforce gender equality, particularly when it comes to salaries (*Laki naisten ja miesten välisestä tasa-arvosta* [Act on the Equality between Women and Men], Section 6 a). Some of the firms also published commitments to sustainability, the Sustainable Development Goals and/or gender equality on their websites, but such commitments remained ubiquitously non-specific—not, for example, listing particular actions taken to promote, for example, gender equality.

The results of the investigation are listed in Table 1.

[7] According to Mäntylä et al, up to 70 % of lecturers and researchers at Finnish universities are employed through fixed-term contracts, which is a much higher number than in Norway and Sweden. Mäntylä et al. 2024: 50.

| **Law firm (number of partners)** | **Men** | **Women** |
|---|---|---|
| Law firm 1 (23) | 14 (60,9 %) | 9 (39,1 %) |
| Law firm 2 (Helsinki office) (19) | 12 (63,2 %) | 7 (36,8 %) |
| Law firm 3 (26) | 21 (80,8 %) | 5 (19,2 %) |
| Law firm 4 (30) | 20 (66,7 %) | 10 (33,3 %) |
| Law firm 5 (20) | 13 (65 %) | 7 (35 %) |
| Law firm 6 (11) | 8 (72,7 %) | 3 (27,3 %) |
| Law firm 7 (25) | 17 (68 %) | 8 (32 %) |
| Law firm 8 (26) | 17 (65,4 %) | 9 (34,6 %) |
| Law firm 9 (33) | 25 (75,7 %) | 8 (24,2 %) |
| Law firm 10 (12) | 10 (83,3 %) | 2 (16,7 %) |
| Law firm 11 (6) | 4 (66,7 %) | 2 (33,3 %) |
| Law firm 12 (8) | 7 (87,5 %) | 1 (12,5 %) |
| Law firm 13 (5) | 3 (60 %) | 2 (40 %) |
| Law firm 14 (7) | 2 (28,6 %) | 5 (71,4 %) |
| Law firm 15 (27) | 21 (77,8 %) | 6 (22,2 %) |
| Law firm 16 (14) | 11 (78,6 %) | 3 (21,4 %) |
| Law firm 17 (Helsinki office) (7) | 4 (57,1 %) | 3 (42,9 %) |
| **Average** | 68,1 % | 31,9 % |

Table 1. Gender balance in major Finnish law firms.

Interestingly, only two out of 17 law firms in the comparison achieved gender parity among partners (falling within the 40–60 % balance), making such firms a small exception to the general rule of gender imbalance, with clear male overrepresentation. There was only one firm in the comparison where women were overrepresented. Since women partners remained underrepresented in the large majority of Finnish law firms, the study clearly revealed the existence of a gendered glass ceiling in the sector. Gender parity in Finnish law firms is seldom specifically addressed in any efforts by the firms themselves, and the reasons behind the gender inequality are still to be investigated. This said, it is notable that this glass ceiling is not uniquely Finnish, but is largely part of an international trend of women being underrepresented among law firm partners (see, e.g., American Bar Association 2024).

Coming back to the public-private divide, discussing pay equity and comparing the private and public sector, the higher representation of women in senior positions in Finnish academia and on Finnish courts in general is interesting, since the salaries within the public sector for

lawyers in Finland are considerably lower in comparison to the private sector.[8] Furthermore, women lawyers are still paid lower salaries in comparison to their male counterparts when working for the same employer. As per a 2021 investigation by the Association of Finnish Lawyers, this gender gap was the greatest in private law firms, where women lawyers received 73-80 % of men lawyers' salary (see Alma Insights 2022).

## Glass Ceilings in a 'Gender Equal' Country

For a long time, Finnish law was mainly shaped by men as actors, authors and thinkers behind the law. While some women pioneers have shattered the glass ceiling simply with their careers (such as Inkeri Anttila, who was the first Finnish woman to become a full professor of law, see Tiirakari 2005), this text seeks to go beyond individual accounts and investigate the gender balance in senior legal roles from a quantitative (albeit limited) perspective. In the 2020s, when a majority of the law students are women (see Kangas et al 2023) and when Finland generally internationally profiles itself as a gender-equal country (Finland Toolbox 2024), one could even ask whether there is still a need to address questions such as representation and gender parity. Surely, we have come a long way in comparison to the days of Viriginia Woolf's *A Room of One's Own*?

Treating gender equality as an already-achieved state may lead to stagnation and deterioration of previously won struggles. This appears to be the case also in Finland, since the country is falling in some international rankings on gender equality (for example EU rankings, see Finnish Ministry of Social Affairs and Health 2023). The findings discussed in this chapter indicate that even though women are entering the legal profession at an increasing rate, they still struggle to achieve senior roles, particularly in the Supreme Courts and among partners in major law firms. Furthermore, there is still a wide gender gap in salaries among lawyers in Finland.

The existence of glass ceilings in the legal profession hardly comes as a surprise to anyone with some degree of familiarity with the institutions investigated. Yet, it is remarkable that discussions on gender and the need to apply gender-specific measures within Finnish law are still avoided, met with scepticism, misunderstood or even dismissed.[9] I am convinced that the findings discussed in this chapter call for addressing gender inequality more thoroughly in the country.

Even though little research exists about glass ceilings in the Finnish legal profession specifically, the findings in this article should be regarded in the light of the fact that the glass ceiling is not unique to law, nor to Finland. It is a global phenomenon which has organisational, societal and personal aspects (Sharma and Kaur 2019) and should therefore also be discussed as such. In other words, reasons for women not accessing senior roles can be discrimination and stereotypes within the organisation, unfavourable work environments, few female leadership precedents and unfair labour policies which prevent the recruitment of women into higher positions (see Watanabe and Kwarteng 2024). Societal aspects can be, for example, work-family imbalances and the expectation that women take on a larger proportion of unpaid care work within the family. Indeed, the burden of care work for family members is still disproportionately shouldered by women in Finland (EIGE 2024). Personal aspects,

8 According to the Association of Finnish Lawyers' 2021 investigation, the average salary of a lawyer in the private sector was 7100 euros, and 6010 euros in the public sector (Alma Insights 2022).

9 See, for example, Rantala and Kainulainen in this volume.

which are inherently intertwined with the organisational and societal aspects, could be, for example, low self-esteem and conflict-aversion as more common among women than men (see Watanabe and Kwarteng 2024).

Shattering glass ceilings in the legal sector in Finland would require more qualitative knowledge about the specific hurdles for women to advance to leading positions. Such knowledge is critical in finding ways to further diminish hurdles and promote women's career advancement (see Husu 2004). I consider it unlikely that vague equality commitments and plans without specific actions, which most of the courts, law schools or law firms investigated in this chapter have, will work to achieve gender parity alone. Instead, considering gender quotas, or paying particular attention to attracting underrepresented applicants in recruitment, may be more efficient strategies to promote gender parity in senior legal roles. In addition, one may ask whether societal and cultural changes at large are promoting change towards gender equality, which affect women's abilities to fully participate in the labour market, also in the legal sector. One such example is the introduction of more gender-equal parental leaves and benefits in Finland in the early 2020s, the target of which is increasing the number of fathers taking parental leave and ultimately, a larger responsibility for unpaid care work within the family (Savinko 2023; Ventelä 2023).

Without targeted actions and a firm commitment to gender equality, the legal profession in Finland risks reinforcing barriers for women. Achieving real change demands not just recognition of these obstacles, but a collective will to dismantle them and build a more gender just future.

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