

Maantieteen päivät 2017: WELCOME TO FINLAND?

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LEGAL AND CARCERAL GEOGRAPHIES

Session chair Päivi Rannila and Virve Repo

Session on Thursday 26. October 2017 at 14:15 – 15:45

Erkki-Jussi Nylén: **Streamlining Waste Utilization Regulation in Earth Construction - Bypass to valorization or block to Circular Economy?**

Tikli Loivaranta: **Laws of the forest in central Indian Adivasi villages**

Virve Repo: **Spatial control and care in Finnish nursing homes**

Katri Gadd: **Spatio-temporal realities of undocumented migrants**

Eveliina Lyytinen: **Action-oriented research on asylum seekers' deportability**

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Streamlining Waste Utilization Regulation in Earth Construction - Bypass to valorization or block to Circular Economy?

Erkki-Jussi Nylén

Since sustainability issues gained prominence in waste policy, waste has been seen more as something that should be utilized instead as a problem that should be taking care of. In that vein, Governments Degree 591/2006 (MARA degree), was crafted. MARA degree aimed to streamline waste utilization in earth construction by relieving particular waste materials from environmental permit procedure, and by setting notification procedure to be sufficient. Original degree came in force 2006, and now it is under updating.

Our claim is that original degree has been crafted in discursive space which was created by two conflicting discourses: resource efficiency and precaution. The logic in resource efficiency is to increase utilization of waste materials in earth construction and that way decrease use of natural resources. This aim is enhanced if more waste materials are included to the degree, but precaution work as gatekeeper for how far MARA degree reaches. Precaution set a criterion which waste material needs to fulfill for to be utilized. Now, during updating process, this discursive set-up has changed as

result of emergence of circular economy (CE) thinking. CE has added more weight to resource efficiency, but also set qualitative criterions. This means plain utilization is not enough. Instead, waste materials should be channeled to utilization process which increases waste materials degree of processing most. And that might not be utilization for earth construction.

This case aims to bring insights to the politics of waste and to the politics deregulation. Our research angle is social environmental science, but case has interesting geographical aspects as well, like how aim to increase reach of the MARA degree brings waste material utilization new environments. Also, case touches the issues of utilizing natural rock material and how there is a willingness to find alternatives. Still, Finnish utilization amounts are largest in Europe.

Laws of the forest in central Indian Adivasi villages

Tikli Loivaranta

How is the space of law, norms, rights and duties constituted in the community forests of indigenous villages in Madhya Pradesh, India? In my doctoral thesis I look at the lived nomospheres of the forest dwelling Indian *adivasis*.

A decade ago, the Forest Rights Act (FRA) was created to secure the rights to extensive self-governance in Adivasi areas, after a history of oppression and displacement that had continued since the colonial times. I have studied three predominantly Adivasi villages, two of which have been able to attain the community forest right (CFR) under the FRA and one which hasn't. I look at how the statutory law becomes understood and known in the forest villages, and how it relates to the customary understandings of 'right and wrong' practices in the forest space. According to the interviewees, the process of applying the forest rights has made the local communities more cognizant of their customary systems, when they have been discussed together. Additionally, some customary understandings and norms are embedded in the everyday life in the communities, but not articulated in the context of forest rights.

Apart from the current discussions in legal theory about non-human legal personhood, laws and rights are usually seen as agreements between human persons. This is the case also when discussing forest rights with adivasis. In practice, there are also multiple non-human actors in the forest space that have their place and rights in the adivasi customary nomosphere. For instance, trees are seen as brothers and sisters by most of the respondents, and even harmful wild animals are often seen as a part of community. The landscape is animate with different realms of gods, adivasis, and wild and domesticated animals, and in these realms, various norms, rights, duties and agreements between human and non-human actors apply.

Spatial control and care in Finnish nursing homes

Virve Repo

This paper presents an analysis of the relationship between spatial control and care in nursing homes governed by Finnish municipalities. Although the attitude towards elderly care is gradually changing, most nursing homes governed by Finnish municipalities are still traditional, large institutions. In the study, I examine how care and control emerge spatially in nursing homes and how living in a limited space effects the everyday life of the residents. I argue that the uses of spaces and spatial practices

affect the well-being of the residents, since a great deal of the control in Finnish nursing homes is spatiotemporal. The institutions use different methods to control residents, such as limiting mobility and daily routines. I also discuss how mistreatment can be spatial. As the analysis shows, the staff and their attitude have a significant effect on the residents' well-being. It also shows that feeling of self-determination or imagined liberty can relieve anxiety and feelings of being confined. Although control is needed at some point to keep residents' safe, there is a risk that control can become regarded as care and this affects the attitudes of the personnel and increases the risk for conducting intended or unintended carceral practices. The roots of the theoretical approach are in the work of Michel Foucault and Erving Goffman and further in carceral geography.

Spatio-temporal realities of undocumented migrants

Katri Gadd

This research examines the timely phenomenon of undocumented migrants with a holistic, spatio-temporal approach. This approach acknowledges the physical, social and mental spatial dimensions and multiple time as inextricable affecting individual lives. Without such a simultaneous analysis, we get a wrong conception of the phenomenon. In this undocumented research, migration is understood as a fluid and constantly evolving process shaped by various aspects. This conceptualization enables an apprehension of undocumented migrants as active agents transforming societies and how their presence will shape societies in the future.

The ethnographic data is produced with a traditional interview and observation techniques and surveys but also explorative, participatory methods, such as photography, drawing, and diary writing. This research is divided into three phases. First, I illustrate the spatio-temporal realities of the undocumented migrants in Finland and especially the interlinkages among the different spatial dimensions. Second, I will conduct a comparative research in Sweden and Germany to be able to compare the spatio-temporal realities in Finland with the ones in the respective countries. Based on these comparative studies I will anticipate the effects of the Finnish migration politics, policies and legislation on the undocumented migrants and the Finnish society.

Consequently, this postdoctoral research significantly increases the knowledge of the undocumented migrants and how they adapt their practices in changing atmospheres and legislative frameworks. From the legal point of view this timely research is significant showing how the immigration politics and legislation create a group of people living in vulnerable and precarious circumstances, providing knowledge about a phenomenon subjected to great pressure for regulation and enabling an understanding of the concrete consequences of the adopted politics and legislation, e.g., how the targets of the regulations position themselves in relation to the regulations.

Action-oriented research on asylum seekers' deportability

Eveliina Lyytinen

Following the so-called 'refugee crisis', the diversity and number of deportable people have been rapidly expanding. Yet, research on deportation is still scarce in Finland. For this postdoctoral research project, I will conduct action-oriented research on asylum seekers' deportations. The project is structured around three thematic inquiries: 1) legal geographies of the deportation machinery (e.g. laws, policies and practices), 2) (mis)trust in deportability and deportation activism, and 3) asylum seekers' deportation journeys. What binds these inquiries together is my interest in the spatio-temporal analysis of deportability and my aspiration to develop qualitative action-oriented

methodology for deportation scholarship. By action-oriented approach, I refer to research that focuses on speaking out and aims to enhance participants' agency. This multidisciplinary research project will yield societal, theoretical and methodological openings regarding critical assessment of asylum seekers' deportability.

Key words: Deportability, deportation, asylum seekers, legal geographies, trust, journey, action research

“Voluntary but compulsory”. The quasi-legal role of safety standards in children’s playground design

Riina Lundman

Risk-management is a common practice in contemporary playground planning. Technical safety standards, especially, have obtained a significant yet ambiguous role in children’s playground design. In Finland, the safety and risk-management of public playgrounds are steered through the adoption of European Standards EN 1176 and 1177, which give detailed instructions and recommendations for the physical features of playgrounds and playground equipment. In principle, the technical specifications of standards are not mandatory as such. However, the current legislation in Finland encourages the adoption of safety standards indirectly. Therefore, safety standards are often treated as official policies and guidelines that strongly affect what kind of public playgrounds are built for children.

Many critical writers see that the standardization of playgrounds impoverishes children’s play environments and makes them ‘too safe’. In this presentation, I go through some main challenges related to the playground safety standards, with the focus on the legal and technical aspects behind their adoption. However, I also discuss how the question of standardization is not that straightforward and how safety standards, as such, are not inherently ‘good’ or ‘bad’ design tools. As an example of an ‘alternative’ playground I introduce the case of PAPU art-playground, which, despite its unorthodox appearance, was designed and implemented according to the existing EN standards. Hence, I argue that the world of the safety standards is not a fixed one and there is still space for creative interpretations and expressions within current playground planning.

Strategies of negotiating public and legal spaces

Päivi Rannila

The normative conceptions of public spaces as open, equal and democratic have proven to be problematic. As Kurt Iveson (2007) argues, “publicness takes many forms and has many geographies”. The conceptions of public space are even more complex in alternative communities whose legal, moral and political practices are unique. Exploring alternative communities may reveal such elements of the public/private that are less visible and thus easily remain unnoticed in more normative contexts. This presentation addresses the everyday strategies of negotiating publicity in an alternative community of Christiania in Copenhagen. The negotiations are closely linked with the ways in which laws are performed and mis-performed in the everyday life. The Danish state’s requirement that the area has to remain in public use has constantly been contested by the residents and other users of the area. By analyzing Christiania’s current situation through interviews and participant observation, I argue that the possibilities of publicity are always reliant on the constitution of legal spaces: how laws and rules are spatially performed, and how the conceptions of publicity become inscribed in the material elements and bodies in space.

