

Fiona Bloomer and Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland, Volumes 1 (Legislation and Protest) and 2 (Allies and Abortion Provision)* Bloomsbury Academic, 2022, hardback, 243pp (vol 1), 256pp (vol 2), £85 per volume, ISBN 9780755642571 (vol 1) and 9781350278912 (vol 2).

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In October 2019 abortion was decriminalised in Northern Ireland, with the Abortion (Northern Ireland) Regulations 2020 coming into effect the following March. Abortion is now legal on request up to twelve weeks; on health grounds between 12 and 24 weeks; and thereafter to avoid risk to the pregnant person's life, grave and permanent risk to their health, or following diagnosis of severe or fatal foetal anomaly.¹ Despite ongoing issues with ensuring full access across Northern Ireland, and continued efforts by conservative actors to undermine or overturn the Regulations,² the decriminalisation of abortion in Northern Ireland is nonetheless a huge step forward for Northern Irish and transnational struggles to realise abortion access, reproductive justice, and sexual and reproductive health and rights (SRHRs). In this two-volume edited collection, Bloomer and Campbell provide a comprehensive account of this long, complicated, and ongoing process. From the opening pages, it is clear that a huge amount of intellectual, 'emotional, physical, bureaucratic, caring and imaginative labour' went into not only the campaign for decriminalisation,³ but also editing these volumes.

The first volume, *Legislation and Protest*, consists of nine chapters relating to the theme of law, and eight chapters relating to the theme of campaigning and activism. The second volume, *Allies and Abortion Provision*, consists of fourteen chapters relating to the theme of allied organisations and activities, and seven chapters relating to the theme of abortion provision. Recognising that these two volumes, however comprehensive, can only offer 'a snapshot' of the many stories and experiences relating to the movement to decriminalise abortion in Northern Ireland, the editors encourage those with personal reflections to contact them via the forthcoming book website DecrimAbortionNI.com, which will have a dedicated section for sharing additional resources.⁴ This initiative, along with the fact that the edited collection was initially envisioned as consisting of only fifteen chapters,⁵ is testament to the editors' genuine commitment to ensuring an inclusive, multifaceted account of efforts to decriminalise abortion in Northern Ireland, to contextualise this struggle in a wider transnational feminist framework, and to include and 'reach an audience beyond academics.'⁶

An ambitious aim to have set for themselves, the editors are certainly successful in realising it. The two volumes strike the right balance between providing information for those coming to the story of decriminalising abortion in Northern Ireland for the first time, and providing new insights and angles for those who are more well-versed on the matter. The introduction

¹ The Abortion (Northern Ireland) Regulations 2020, Pt 2, Pt 3

² Alice Storey, Lissa Griffin, Rebecca Smyth, 'Expert Stakeholder Submission to the 41st Session of the UPR Working Group: The United Kingdom of Great Britain and Northern Ireland's Universal Periodic Review.' Available at <<https://bcuassets.blob.core.windows.net/docs/upr-project-at-bcu-pace-university-uk-stakeholder-submission-132938884844601153.pdf>> accessed 30 May 2023

³ Fiona Bloomer, Emma Campbell, 'Introduction' in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland: Legislation and Protest* (London, Bloomsbury 2022) 4

⁴ Bloomer and Campbell (n 2)

⁵ *ibid* at 2

⁶ *ibid* at 1

and conclusion to both volumes is written in clear, accessible language. At the end of volume 1 there is a timeline of key global, Irish, UK, and Northern Irish events concerning abortion, and at the end of both volumes there is a glossary of the main organisations and acronyms. While the reader could pick and choose from chapters across both volumes and still come away with a clear sense of the milestones on the decriminalisation journey, it is evident that thought and care has gone into the sequencing of the themes and chapters. Overall, there is a coherent flow from one to the next.

Volume 1

Following the introductory chapter, the editors make the astute choice of easing the reader into the story with Anna Lo MBE's five-page reflection. Lo adopts an engaging, conversational tone in her account of the key events and actors involved in the campaign for decriminalisation from 2007 to the present. It effectively sets the scene for and signposts subsequent chapters.

One of the standout chapters for me across both volumes is Chapter 3 by Claire Pierson. In it, Pierson undertakes a rich but concise analysis of how institutional structures and the sociopolitical context have led to the Northern Irish Assembly being deeply 'obstructive' to attempts at abortion law reform.⁷ She deftly summarises Northern Ireland's fraught and complicated political culture, incisively critiquing how actors across the political/sectarian spectrum have impeded meaningful discussion of legislative reform by weaponising discourses about Northern Ireland's "unique" identity, foetal rights, and "protecting" women.⁸ Turning then to how some political parties and politicians are moving to more liberal positions on abortion, largely thanks to the 'growth of dissenting and plural voices about abortion' among the general public and certain politicians, Pierson concludes that it would have been highly unlikely for the Northern Irish Assembly to formulate even 'lowest common denominator' legislation on abortion. She also warns that the Assembly will likely be the site for future attempts to reverse progress.⁹

The importance of continued vigilance in the face of active resistance and potential apathy now that abortion is somewhat accessible in Northern Ireland is a recurrent motif in the other seven chapters on the theme of law. So too are how multiple actors and strategies were involved in realising legal change, and the need for steady, collaborative lobbying and relationship building. Chapter 4, written by Former Chief Commissioner at the Northern Ireland Human Rights Commission (NIHRC) Les Allamby, discusses the role of the NIHRC in the campaign to decriminalise abortion in Northern Ireland, particularly how it brought a judicial review to the High Court, Court of Appeals and Supreme Court on how Northern Ireland's abortion law violated the ECHR/Human Rights Act. Chapter 5 by Jennifer Thomson brings together in-depth interviews and Westminster parliamentary debates to explain how the 1967 Abortion Act never applied to Northern Ireland. Chapter 6 by Judith Cross, Catherine O'Rourke and Audrey Simpson provides an account of the motivations, context, and practicalities behind submitting a request for an inquiry to the CEDAW Committee under the CEDAW Optional Protocol, and the importance of the 2018 publication of the CEDAW Committee's report on the

⁷ Claire Pierson, 'Power-sharing and patriarchy: an analysis of the role of the Northern Ireland Assembly in abortion law reform' in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Vol 1*, 16

⁸ Pierson (n 7) 16-24

⁹ *ibid* 24-27

criminalisation of abortion in Northern Ireland.¹⁰ Chapter 7 by Stella Creasy and Cara Sanquest provides a compelling, pacy account of the work that happened within Westminster to push through Northern Irish abortion law reform. Chapter 8 by Susan McKay tells the story of Sarah Ewart, her mother Jane Christie, and Grainne Teggart, based on her in-depth interviews with them. Sarah Ewart became a key figure in the campaign to decriminalise abortion in Northern Ireland by going public with her story of being denied access to abortion in Northern Ireland in the case of fatal foetal abnormality.¹¹ With the support of her mother and Amnesty's Grainne Teggart, Ewart became one of the main intervenors in the NIHRC's judicial review application and subsequent appeals.¹² Chapter 9 by Grainne Teggart and Ruairi Rowan discusses Amnesty and Family Planning Association Northern Ireland (FPA NI)'s role in the campaign for decriminalisation.

To close the section dedicated to law and segue to the section on campaigning and activism, Chapter 10 by Máiréad Enright discusses how Alliance for Choice (AfC) have engaged in wide-ranging forms of feminist law work that include not only their engagement with formal legal processes, but also their building of a 'critical community' and pursuing 'service work.'¹³ By building critical community through a range of activities such as education, outreach, protest, and the arts, and by working 'at the boundaries of legality' to facilitate abortion access, Enright illustrates how AfC produced legal change, reshaped 'the established boundaries of formal law-making authority', and have established 'a kind of jurisdiction over abortion in NI', understood as 'the power to articulated shared interpretations of prevailing law and give it (or deprive it) of everyday force.'¹⁴ Enright encourages the reader to think of the law and what counts as legal change in more expansive terms,¹⁵ an approach those in medical and healthcare law should be encouraged to take by this chapter and the edited collection as a whole.

As with the chapters on the theme of law, the chapters on the theme of campaigning and activism are also attentive to the need for constant vigilance and engagement. Chapter 11 by Lynda Walker details the work of the women's and feminist movements in Northern Ireland from 1967 to 2008, combining research, her own longstanding experience in the Northern Irish feminist movement, and communication with eight other lifelong Northern Irish feminists. In many ways her contribution is a poignant one: it is a stark reminder that so many people have been deeply affected by Northern Ireland's restrictive abortion legislation. There was nothing inevitable about the decriminalisation of abortion in Northern Ireland, and this chapter is testament to how long and difficult the struggle has been.

Chapter 12 follows on chronologically from Walker's, with Kellie O'Dowd, Judith Cross, and Fiona Bloomer charting the work of AfC from summer 2008 until December 2016. Chapter 13 consists of a very brief but welcome contribution by Maria Amélia Ponte Lourenço on how she became involved in abortion rights activism in Northern Ireland upon moving there in 2010. This chapter might have worked better as an introduction to this section, in a similar way to

¹⁰ CEDAW is the UN Convention on the Elimination of All Forms of Discrimination Against Women. Under article 17 CEDAW, the Committee on the Elimination of Discrimination against Women (the CEDAW Committee) is responsible for overseeing interpretation of and compliance with the Convention. Under article 8 of the Optional Protocol to CEDAW, States parties recognise the Committee's competence to establish an inquiry into alleged "grave and systemic violations" of the Convention.

¹¹ Susan McKay, 'The Supreme Team' in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 1*, 84

¹² McKay (n 11) 86

¹³ Máiréad Enright, 'Alliance for Choice as agents of legal change' in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 1*, 104

¹⁴ Enright (n 14) 111

¹⁵ *ibid* 104, 111-2

how Anna Lo's chapter was used to open the first part of this volume. That said, given the chronological sequencing of chapters in this section, its inclusion as the third rather than first chapter does make sense. It also resonates with chapter 14 by Ashleigh Topley, who discusses her experience of being an intervenor in the NIHRC judicial review and co-organising and moderating the In Her Shoes Northern Ireland Facebook page, which anonymously shares private stories of 'the real and devastating impact' of restrictive abortion legislation.¹⁶

In chapter 15, Emma Campbell takes up the story of how AfC collaborated with other organisations to lobby Westminster, while also continuing the multiple other parts of their work. She emphasises the importance of multifaceted, collaborative action to shift popular discourse and realise legal change. Chapter 16 by Maeve O'Brien focuses on pro-choice activism in the Derry city area and surrounds from the 1980s to the present, using oral histories.

In chapter 17, Ruairi Rowan and Audrey Simpson discuss how the Family Planning Association in Northern Ireland led a judicial review against the failure of the Department of Health, Social Services and Public Safety to issue guidance for healthcare professionals on the provision of abortion services in NI from 2000 to 2004. From 2005 to 2016, the FPA continued with consultations and legal wrangling that finally led to the NI Executive approving 'Guidance for Health and Social Care professionals on Termination of Pregnancy in Northern Ireland' in March 2016.¹⁷ While FPA NI was placed in voluntary administration in May 2019, Informing Choices NI (ICNI) was quickly formed in its stead.¹⁸ ICNI has since overseen much of the abortion care provision under the March 2020 Regulations. In some respects, this chapter might have worked better under the theme of law, given it is quite a legalistic account and given it concerns a potentially less well-known element of the strategic litigation that took place in Northern Ireland. The fact that certain chapters would work well under a variety of themes is more indicative of the overlapping nature of law, activism, and advocacy than any incoherence in this edited collection, however.

The last substantive chapter in this volume is by Emma Gallen, which provides an account of the motivations and experiences of AfC volunteers, including their work at information stalls, consultation cafes, providing practical support and activist training, and lobbying MPs and MLAs. As with the preceding chapters and as emphasised in the conclusion, Gallen's chapter speaks to how 'no one single action can ever deliver social change' and how partnership and solidarity are crucial, even when — or perhaps especially when — full consensus is elusive.¹⁹ Although Volume 1 works well as a standalone work, it also makes it clear that there is much more to the story of decriminalising abortion in Northern Ireland. Volume 2 takes up that story by focusing on the multiple actors involved in campaigning for decriminalisation and providing abortion access.

Volume 2

¹⁶ Ashleigh Topley 'In Her Shoes – abortion stories' in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 1*, 150

¹⁷ Ruairi Rowan and Audrey Simpson, 'Dismantling the walls of silence surrounding abortion in Northern Ireland' in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 1*, 193

¹⁸ Rowan and Simpson (n 17) 195

¹⁹ Emma Campbell and Fiona Bloomer, 'Conclusion' in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 1*, 209

Chapters under Theme 3 provide invaluable insights into ‘the strength that overlapping movements can bring to a single-issue struggle such as abortion.’²⁰ These include detailed and engaging accounts of the London-Irish Abortion Rights Campaign (Chapter 2), all-island and international solidarity (Chapter 3, Chapter 4), the trade union movement (Chapter 8), the student movement (Chapters 9 and 11), the women’s sector (Chapter 10), and the LGBTQ+ movement (Chapter 12). As with Volume 1, those directly involved in these efforts write the story, in a conscious effort to ensure that ‘the real protagonists...tell their own stories.’²¹

Chapter 5 by Anne Rossiter and Helena Walsh takes the form of a conversation between Rossiter, a pro-choice campaigner since the 1970s, and Walsh, a performance artist and activist since the 1990s, to explore the various roles members of the Irish diaspora have occupied in providing abortion access and campaigning for change since the 1970s. The need for not just legal change but also destigmatisation is a prominent theme here, in common with many chapters across the two volumes. This serves as an important reminder to those working in law and policy of the need to go beyond those fora when reviewing legislation, and to ensure their viewpoints are informed by wider historical, social, and cultural perspectives.

Crory, Wallace and Ni Roibeaird’s chapter on their experiences as organisers of the Rally for Choice (RfC), formed in 2011 and particularly active between 2016 and 2019, is a particularly noteworthy contribution given its honesty. The authors refer to the toll internal conflicts had on many of those involved — an experience by no means unique to RfC, and one which did not prevent members from continuing to act in solidarity as part of the broader abortion rights movement.²² Many of the other chapters also refer to how organising and attempting to build a truly intersectional, inclusive movement is ‘messy’.²³ They also note how certain actors deliberately or unconsciously fail to engage in ‘proper consultation or consent’ or efforts to give ‘credit where credit was due.’²⁴ These chapters offer an important reminder that power dynamics and a measure of conflict and tension are inevitable when organising. They are honest about how painful their impact can be, but emphasise the necessity of continuing to organise while learning from those difficult experiences.

Three chapters take a slightly more “thematic” focus: Chapter 7 by Emma Campbell discusses the utility of art ‘for disrupting stigmatizing discourse around abortion and movement building for Alliance for Choice.’²⁵ Chapter 12 by Bloomer and Turtle focuses on faith and abortion, while Chapter 14 focuses on disability and abortion. Chapters 12 and 14 are especially important, given the persistence of reductive assumptions about the relationship between faith, people of faith, and abortion, and the ongoing lack of attention to disability in the feminist movement. Aptly titled ‘Whispered conversations: disability and abortion’, Powell, Hanlon and McMahon undertake a sophisticated critique of how pro- and anti-choice abortion discourses lack ‘both nuance and meaningful input from disabled women, who find themselves

²⁰ Emma Campbell and Fiona Bloomer, ‘Conclusion’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 227

²¹ Emma Campbell and Fiona Bloomer, ‘Conclusion’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 1*, 207

²² Elaine Crory, Emma Wallace, Fionnghuala Ni Roibeaird, ‘Rally for Choice’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 56

²³ Cara Sanquest ‘London-Irish Abortion Rights Campaign (LIARC) in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 10

²⁴ Emilie Weiderud and Katie Gillum, ‘The meanings and impact of international solidarity for abortion rights in NI’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 34

²⁵ Emma Campbell, ‘Art, Alliance for Choice, and activism’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 59

caught between exclusion and co-optation.’²⁶ Drawing upon the social model of disability, feminist crip theory, and human rights, they set out a clear and persuasive account of how to create an accessible, intersectional pro-choice feminist movement committed to reproductive justice. As someone who is trying to ensure a meaningful commitment to disability rights and justice in her own scholarship and activism, this chapter is one I will return to regularly, and one which I would encourage other academics, activists, and practitioners to read.

Something of a standalone chapter, Chapter 15 by Ann Marie Gray details how the 2016 Northern Ireland Life and Times (NILT) survey evidenced that public attitudes to abortion in Northern Ireland were far more complex, nuanced, and progressive than ‘the use and misuse of statistics’ by ‘the main political parties and the churches’ suggested.²⁷ Gray also emphasises the importance of good public attitude data obtained through robust and reliable methodology for capturing public opinion and formulating good policy.²⁸ For those working in health policy and law making in “controversial” areas such as abortion care, this chapter will be a particularly useful reference point.

The chapters relating to Theme 4, abortion provision, will also be important to — and potentially challenging for — those in medical and health law. Chapters 17, 18, 19, and 21 detail the work of abortion funds and self-managed abortions (SMA), and the perhaps difficult-to-accept reality that legal and healthcare professionals are not always needed, and should not be central to, abortion care. As Yanow notes in Chapter 18, SMA ‘shifts the paradigms and power dynamics that have controlled policy and provision of abortion care’ by liberating it ‘from restrictive laws and unresponsive healthcare systems’ and ‘demystifying, demedicalizing and destigmatizing abortion.’²⁹ It is an important and potentially humbling reminder that the ultimate aim should not be ownership of abortion law, policy, and provision, but cooperation among activists, people seeking abortion care, healthcare professionals, and law and policymakers to create ‘interconnected service delivery models inside and outside the healthcare system’ that ‘meet each person where they are and provide care before, during and after any abortion.’³⁰

Chapters 16, 20, and 22 focus on the experience of midwives, clinic escorts, and pro-choice doctors in campaigning for change and supporting those seeking abortion care. Chapter 16 by Breedagh Hughes and Chapter 20 by Natalie Biernat and Saoirse Johnston were among the most emotionally impactful contributions for me in this volume, along with Chapter 17 on the work of abortion funds by Mara Clarke. With no rancour but much honesty, Hughes describes the ‘rather lonely journey’ of campaigning for the development and implementation of clear guidance on abortion provision while NI Director of the Royal College of Midwives from 1997 to 2018.³¹ Her allusion to personal attacks over the years, and discussion of how the anti-choice group Precious Life attempted to have her arrested in 2008, are sobering and indeed disturbing. For those in doubt about how vitriolic and intimidating certain anti-choice actors can be, her chapter and Chapter 20 by Biernat and Johnston make for vital reading. Biernat and Johnston detail the physical, psychological, and legal harassment they experienced while

²⁶ Rachel Powell, Jakki Hanlon, Fiona McMahon, ‘Whispered conversations: disability and abortion’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 136

²⁷ Ann Marie Gray, ‘NI Life and Times Survey (NILT)’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 147

²⁸ Gray (n 27) 153-4

²⁹ Susan Yanow, ‘Putting abortion pills and knowledge into women’s hands in NI’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 181

³⁰ Yanow (n 29) 183

³¹ Breedagh Hughes, ‘Midwives’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 161

working as volunteer clinic escorts, individuals who provide emotional support to those seeking abortion care, and often act as a physical barrier between them and protestors.³² Whatever one's position on abortion, these chapters are an important reminder of the need for nuanced, evidence-based, and respectful discussion around drawing up and implementing abortion law and policy.

Conclusion

Decriminalizing Abortion in Northern Ireland provides a rich and compelling contribution to scholarship across a range of disciplines and from a variety of perspectives. While those in medical and health law might initially be drawn to it for insights on the more technical aspects of abortion law and policy, they will come away with not only that but also an invaluable insight into the messy lived reality of abortion law and policy in its historical, social, and cultural context. Whether readers are looking for an introduction to the topic of abortion in Northern Ireland or to deepen their understanding further, they will find something here. The collection also has added salience to the question of decriminalisation following the June 2023 conviction of Carla Foster to 28 months in prison under section 58 of the 1861 Offences Against the Person Act for self-inducing an abortion.³³

While it is clear throughout that the editors made every effort to create an inclusive collection, and while something as simple as potential contributors not being available due to other commitments can shape the final product of the publication process, more explicit attention to race and racism would have been welcome in this collection. There are allusions to race and racism throughout, and a genuine commitment to intersectional feminism shines through the entire collection. However, a dedicated chapter or range of chapters on how restrictive abortion legislation has racialised impacts, and the role of minority ethnic and Traveller women in efforts to decriminalise abortion, would have been a very welcome addition. My sense is that the book website DecrimAbortionNI.com will enable these edited volumes to become a “living document” and that it will organically address the inevitable limitations and omissions inherent to compiling an edited collection. This website and the two-volume collection will provide much food for thought for researchers, practitioners, activists, and advocates on how to undertake their own work in an intersectional and reflexive manner.

³² Natalie Biernat and Saoirse Johnston, ‘MSI clinic escorts’ in Fiona Bloomer, Emma Campbell (eds), *Decriminalizing Abortion in Northern Ireland Volume 2*, 198

³³ *R v Carla Foster* (Crown Court, 12 June 2023) < <https://www.judiciary.uk/wp-content/uploads/2023/06/R-v.-Foster-sentencing-remarks-12.6.23.pdf> > accessed 26 June 2023