

Rebecca J. Cook, Joanna N. Erdmann, and Bernard M. Dickens, eds.

Abortion Law in Transnational Perspective: Cases and Controversies. Philadelphia: University of Pennsylvania Press, 2014, 480 pp.

Abortion regulation is rife with contradictions. Women in the United States have a constitutional right to make their own decisions about pregnancy termination and yet confront enormous challenges in obtaining meaningful access to abortion services.¹ Women in other jurisdictions not only have no such right, they face the threat of criminal sanction for procuring an abortion. Yet these women can fairly readily access abortion services provided that they have the means to pay privately.² And those are just the extreme positions—there are jurisdictions with laws all along the spectrum.

Rebecca Cook, Joanna Erdmann, and Bernard Dickens have put together an edited collection that abundantly illustrates these contradictory tendencies in the law's approach to abortion worldwide. The book covers abortion law in countries from all areas of the globe—the Americas, Europe, Africa and Southeast Asia—and, in so doing, highlights both the successes and failures of law and policy reform.

The editors note that one of their objectives in publishing this collection is to find and disseminate new ideas about abortion law. There is no doubt that readers who have studied abortion regulation in only one or two jurisdictions will be exposed to regulatory regimes that are unfamiliar. But to my mind, the overwhelming message of the book when read as a whole is that there really are no *new* ideas. There is just one idea: stop restricting access. All the rest, as the book quite clearly shows, is nothing more than tinkering at the margins.

Meaningful reform of abortion law and policy requires acceptance of the idea that women themselves can be trusted to make morally acceptable, responsible choices about pregnancy. Current law in most jurisdictions permits some abortions, based either on gestational age or specific indications. This suggests, as several of the authors point out, that there are circumstances in which abortion can be an acceptable choice. The real issue is who has the power to decide what those circumstances are.

As with all edited collections, some of the chapters are more engaging and reader-friendly than others, but all provide important perspectives. A few of the chapters offer some critical insights. Rebecca Cook's chapter, for example, shows the key role played by stigma in society's continued ability to restrict access to abortion. Without the need to keep abortion in the shadows, women might feel less afraid to ask questions of their providers about how to access abortion services. They might also feel less afraid to question their providers when they are denied access to which they know they are entitled. Or they may be prepared to go public and point out that women are being denied access to a needed and legal health care service because of providers' religious or moral views. Once the stigma

¹ See e.g., Erin Nelson, *Law, Policy and Reproductive Autonomy* (Oxford: Hart Publishing, 2013), 119–26.

² See Bernard M. Dickens's chapter "The Right to Conscience."

around what it means to be a woman seeking an abortion is gone, there will be far less incentive to hide.

Another standout is Lisa Kelly's chapter, which points out the risks inherent in a litigation strategy that characterizes women who need abortions as 'innocents'—young girls who have become pregnant as a result of rape. The stories of these girls are compelling; it is hard to argue that an 11-year-old girl who is pregnant after being repeatedly raped by a family member should be forced to carry her pregnancy to term. But in focusing on such stories, we risk losing sight of the larger theme—that no woman should be forced to carry a pregnancy to term. Nor should access to abortion be conditioned upon being a child or a victim of sexual violence.

The politics of abortion make it clear that the debate about appropriate regulation will not be easily or quickly resolved. The grim statistics about maternal morbidity and mortality associated with unsafe and illegal abortions make it clear that we must keep working toward that resolution, however elusive it might seem.³ All women suffer from restrictive abortion laws and all women stand to benefit from improved access and safety. As alarming as it is to read about the number of women who still cannot obtain a safe and timely abortion procedure and the number who still die trying to terminate an unwanted or mistimed pregnancy, it would be even more dismaying if there was no one concerned enough to keep writing about this issue. This book is invaluable as a means to inspire new generations of students, lawyers, and policy-makers to keep making the argument that the only justifiable approach to abortion regulation is to give decision-making power to the women who need abortion services.

Cook, Erdmann, and Dickens note that the "field of abortion law has survived several revolutions" (p. 1). But still we wait for the genuine revolution, the one that will lead to concrete change: meaningful access to abortion for women worldwide. This edited collection is a book that ideally we would need only as a record of missteps and wrong turns along the path to sensible and humane abortion regulation. Unfortunately, we are a long way from that reality. The authors help us to both understand why, and to appreciate the need to stay focused on that ultimate goal.

Erin Nelson
Professor, Faculty of Law
Fellow, Health Law Institute
University of Alberta
elnelson@ualberta.ca

³ World Health Organization, "Fact Sheet No 388: Preventing unsafe abortion" (March 2014), <http://www.who.int/mediacentre/factsheets/fs388/en/#>. (accessed 31 August 2015)