



Doing Feminist Legal Work Best Practice Guide



DFLW Best Practice Guide 1

www.dflw.ie

Rapid Legal Policy Reactions and How to Do Them

Edited by Maebh Harding and Aoife O'Donoghue

This best practice guide brings together practical advice from legal academics about how to respond quickly to events or opportunities that could influence legal policy. It is hoped that scholars and activists will find this research tool empowering and helpful when engaging directly with policy makers and media to address complex issues of law and gender.

Doing Feminist Legal Work (DFLW) is a new network of Feminist Legal Scholars funded by the Irish Research Council of Ireland under the New Foundations Shared Island scheme.

What is feminist legal work?

Any form of action that ensures that issues of gender are central in legal policy making and public discussions.

What do we mean by rapid reaction?

Sharing knowledge, experience and support, to respond to issues, events and crises as they emerge, particularly those of all island significance, across scholarship, policy and the media.



Doing a Multi-Person Rapid Reaction

Aoife O'Donoghue, Máiréad Enright

1. Run the response with at least one other person for camaraderie & chats & complimentary skills.
2. You don't have to be the subject 'expert' on a thing – but if you can 'run' a response that can be a worthwhile contribution to make.
3. Be specific on the task you are doing as a response:
 - a. Is it a Rewrite?
 - b. Is it a Policy Document with Recommendations?
 - c. Is it a Legislative draft?
4. Think about **who** your response is for and **why** you are doing it.
5. Consult with a representative group or groups of people affected by the law/policy before you start. Think about how your intervention:
 - a. Will support or contradict their agenda. This is particularly important if you are making recommendations.
 - b. Take public attention away from their plans or shine a light on them? Be ready to delay or rethink.
 - c. Keep them involved. Be mindful of their time and resources and offer to meet/ chat.
6. Be specific of where the law fits. Law usually is just part of a bigger picture. See where you can be the most help to activists by taking on specific jobs, e.g.
 - a. Doing the doctrinal law bits.
 - b. Explaining how the law works or is applied. Sometimes activists will know more about how the law works in practice. Think about what you are adding 'extra' or how knowledge could be combined.
7. Think about the method behind your response but let it evolve - play with it.
8. Is there some institutional money that could contribute to a launch event, formatting, paying someone for editing or some other useful contribution?
9. Think about having as diverse a group involved as you can. What kind of expertise is needed? Does everyone have 'identify as feminist' or can they just care about the issue.
10. Consider an open call on social media, sending around an email list like DFLW, or word of mouth to get a range of contributors involved.
11. What are you asking people to do? Be ready to 'convince'!
 - a. When involving people who aren't necessarily 'feminist' scholars as such, be clear that you and others will be there to help on any feminist elements.
 - b. Be specific - Do you need people to write 500 words, 1,000 words, act as a critical friend, or do the proofing? Asking for something small and/or contributing something 'small' is often more doable and can make a project much easier.
12. Communicate clearly about how the project will unfold. If you plan to consult with or work with people/groups affected by the legal issue you are considering, make

sure you provide a clear, written account of the intervention, its aims and how their contribution will be used. Consider the potential emotional labour for people. These topics are often difficult and it's important to acknowledge that.

13. Think about what compromises you are willing to make and not willing to make. Think about this in terms of what you are achieving, the long and short term and your own sense of feminist activism and what is important.
14. Think about the format of any written output and where you are going to publish it?
 - a. University website
 - b. Activist website
 - c. Will there be an academic version as well, where will that go?
15. Have a timeline – it will slip – but it's useful to have.
16. Have online meetings with everyone but not a lot of them. Share the experience/knowledge and collective decisions on language/method.
17. Proofing/Editing will take time. Think about some critical friends who might be willing to jump in at this point and read.
18. Make sure you acknowledge any collaborators/activists and thank them in publications or potentially as co-authors if that is appropriate. They may find it useful to not be named, so ask and have that dialogue.
19. Think about launch events – online and/or in person.
 - a. Who is invited? Who is the priority audience? Does anyone in the group have some media links? Is there someone external to the project that would perhaps launch it that would add some 'heft'?
20. Think about what other things might be useful alongside, some blog posts, some Op Eds maybe? Does anyone in the group have a big social media presence? Use your university's publicity office.
21. Circulate any document produced to stakeholders including Parliamentary/Oireachtas/Assembly committees, TDs, MLAs, MPs. Use hard copy as well as circulating electronically, different user groups will use it differently and for accessibility hard copy sometimes is better. Don't be shy about letting people do Press Releases.
22. Think about how any affected people get their legal news and where the discussions should take place. Twitter might not work well for particular groups, but works very well for others. Reach out on Facebook pages. If the subject matter is traumatic, let groups know that it is being published or any coverage in newspapers is coming up.
23. There may be some push back – not everyone will be happy, be ready for that and consider who in the group might be best placed or best able to manage that. Some hostile responses may be trolling, but others might be people with experience who disagree with your recommendations. That is okay and think about how to handle that 'well'.

Doing Parliamentary Appearances

Colin Murray

Invitations to take part in parliamentary evidence sessions do not happen accidentally, they happen because an academic's work has come to the attention of parliamentary researchers who work really hard to find scholarship which can add something to parliamentary debate. They take time to prepare, and this work can seem open ended; the thought of appearing live before legislators and being grilled is pretty daunting. To make this manageable, make sure that you talk to the committee researcher in advance and get access to the list of questions they are preparing for legislators. Then take a day and work through these questions, preparing answers (what you would hope your students do ahead of a seminar). It doesn't need more than this. And always be happy to pass on a question as opposed to saying something outside your expertise. Committees hold multiple sessions, with panels of academics covering different disciplinary perspectives. You don't have to look as if you know everything, and you can often pass a question to another academic on the panel who would be better placed to address it.

Doing Rapid Responses as Public Legal Education

Máiréad Enright

Rapid responses can influence policy, but you can also think of them as exercises in public legal education. During the Repeal referendum (and indeed in the years before, and the months after) I was involved in producing a range of materials that sought to inform (and often affirm) ordinary people's thinking about the law. Legal academics do this a lot; we are invited, for example, to do op-eds or to be interviewed on the radio, but we rarely get to explain a legal issue in full in these formats, even though they have the advantage of reaching a lot of people. A leaflet, a longer but accessible talk that you can give to community groups, a blog or website, or even a short open-access book can allow you to offer a feminist explanation of a contested legal issue. During Repeal, legal academics in Lawyers for Choice made use of all of these formats. Fiona de Londras and I ran a legal "factchecking" website (Aboutthe8th) and wrote a short book *Repealing the 8th*, and both had enormous public reach. These are not lesser forms of legal writing; they are critical tools for feminist pedagogy, with a deep heritage in feminist organising. In practice, of course, good public education materials will often draw on your other, more academic writing which has been produced over a long time. Public legal education is an opportunity to translate academic feminism into tools for action.

Doing Collaboration in Report Writing

Ciara Fitzpatrick

My top advice for doing a rapid response publication is to lean into collaboration. When preparing our report, *The Consequences of the Cuts to Education for Children and Young People in Northern Ireland*, collaboration was supported through weekly progress meetings and delegation. As the lead on bringing together the contributions I was very aware that I couldn't do it all and was so grateful that everyone who input did so with a spirit of collaboration with great generosity. The rapid response worked well in my case, as we had a good range of skills and expertise. I was keen that everyone was facilitated to draw on their own research and knowledge in developing each of the sections. We reflected on the approach taken drafting the *Rights and the Mother and Baby Homes: Reaching Different Findings* rapid response, where we agreed that we wouldn't undertake any new research and would draw on work we'd already carried out. Furthermore, we agreed on a number of principles in respect of work count, referencing and deadline from the outset which kept everyone on the same wavelength.

On a practical level, I found it very useful to work together on a Google Doc, as we could edit and make suggestions on each other's work. The group benefited from drawing on in-kind support from each institution, whether that be report design skills, digital skills, proofreading and editing skills, press and media support and we were able to draw on a small pot of "impact" funding to support an event launch. We also utilized each other's networks and this allowed us to make new connections across government and civil society. One organisation offered to produce a video for us which provided a real-world view of the consequences of cuts in education. We consulted with civil society partners from the outset and this was very important as organisations were very supportive when it came to disseminating the report. I was very thankful for the two academic colleagues and friends who offered to do a read through before the launch - this gave additional confidence before the launch.



Collaborate both in person and virtually

Doing Dogged Determination

Clare McGlynn

Dogged determination can lead to change. In 2023, reforms to the law on sharing intimate images without consent were finally adopted by Parliament meaning greater protections for victims. This result was only secured due to the relentless, dogged determination of many politicians, civil society organisations, researchers and survivors who spoke out and demanded change. As part of this coalition of voices, I worked closely over nearly ten years with politicians from all the main political parties, with a number of women's rights organisations and published a range of studies including theoretical and empirical work. Securing change was a long-term project, meaning years of sustaining relationships through activities such as providing advice and guidance to politicians on related and sometimes unrelated issues, swift responses to information requests from civil society, being available for media interviews of all sorts, from local radio to the highest profile BBC Radio 4 Today programme and BBC TV.

Change meant drafting countless policy briefings, each one needing to be different to respond to different audiences, policy suggestions, media scandals and shifting public debates. It meant that despite receiving a letter in 2017 saying the Government did not think the harms of altered imagery, what is now known as 'deepfake porn', were sufficiently serious to warrant a change in the law, continuing to make the case for change, with reform finally being secured in 2023. It meant accepting a compromise in 2019 when the Government was not going to change the law, but did agree to asking the Law Commission to undertake a review. It meant channelling the upset and anger from working with so many survivors, into many small actions which together, and together in coalition, finally resulted in changes to improve victims' justice options.

For more on this long journey and survivors' voices finally being heard, read my blog in [The Conversation](#).



DFLW Rapid Response Workshop, QUB 2023

Contributors



Máiréad Enright is Professor of Feminist Legal Studies and Head of Research Impact at Birmingham University School of Law. She often works with and advises groups campaigning around reproductive rights and historical gender-based violence, especially in Ireland and Northern Ireland.



Dr Ciara Fitzpatrick is a lecturer at Ulster University. She has played an important role in highlighting the human rights implications of the introduction of Universal Credit (UC); the new working age benefit and subsequently pushing for change. She is a founding member of the NI Cliff Edge Coalition, which is campaigning for the continuation of welfare reform mitigations in Northern Ireland and for the introduction of new measures to ease the hardship associated with UC.'



Dr Maebh Harding is a lecturer in Family and Child Law at University College Dublin. She obtained and led a competitive research grant from the Nuffield Foundation to investigate court promotion of shared parenting arrangements in the English courts. Her work has been widely cited and has significantly impacted policy and practice. She is a founder of the Doing Feminist Legal Work Network.



Clare McGlynn is Professor of Law at Durham Law School with particular expertise in the legal regulation of pornography, sexual violence and online abuse, particularly cyberflashing and image-based sexual abuse (taking, creating and sharing intimate images without consent).



Colin Murray is a Professor of Law at Newcastle University's Law School. His research has been cited in the UK Supreme Court and has also informed UK Government consultations and Parliamentary Committee reports across a range of public law issues. These include prisoner voting, the office of Lord Chancellor and the nature of the UK's devolution arrangements.'



Aoife O'Donoghue is Professor of Law at Queens University Belfast. Her research examines how legal structures enable or prevent states, institutions and individuals to (not) act and the ramifications of such actions. She researches utopias and tyranny and the impact of Brexit. She was one of the Directors of the Northern/Ireland Feminist Judgments Project and now co-leads Feminist Constitutional Futures.



Further Resources and Rapid Response Projects

<https://rse.org.uk/rethinking-policy-impact-project-publishes-its-recommendations/>

<https://www.hague-mothers.org.uk/about/>

Fiona de Londras & Máiréad Enright, *Repealing the 8th: Reforming Irish Abortion Law*, (Policy Press, 2018).

<https://policy.bristoluniversitypress.co.uk/repealing-the-8th>

Máiréad Enright & Aoife O'Donoghue, (eds) *Rights and the Mother and Baby Homes: Reaching Different Findings* (2021).

<https://www.tudublin.ie/media/website/news/2021/main-news/Draft-September-24.pdf>

Ciara Fitzpatrick et al, *The Consequences of the Cuts to Education for Children and Young People in Northern Ireland* (June 2023).

<https://www.stran.ac.uk/wp-content/uploads/2023/06/The-Consequences-of-the-Cuts-to-Education-for-Children-and-Young-People-in-Northern-Ireland-Final.pdf>

Michael Flood et al, 'Combining Academia and Activism' (2013) 55 *Australian Universities' Review* 17.

<https://ro.uow.edu.au/lhapapers/89/>

Mary Laing, "Maybe I'm a quiet activist": Sex work scholars and negotiations of 'minor' academic activism' [2022] *Sexualities* 1.

<https://journals.sagepub.com/doi/10.1177/13634607211068690>

Clare McGlynn, 'If someone posts your private photos online, there has been little you can do about it - how changes in the law will finally help victims' (*The Conversation*, 7 July 2023)

https://theconversation.com/if-someone-posts-your-private-photos-online-there-has-been-little-you-can-do-about-it-how-changes-in-the-law-will-finally-help-victims-209048?utm_source=twitter&utm_medium=bylinetwitterbutton