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**The 1998 and 2007 Referenda on Abortion in Portugal:  
Roman Catholicism, Secularization and the Recovery of  
Traditional Communal Values**

by

**Paul Christopher Manuel**

pmanuel@anselm.edu

**Maurya N. Tollefsen**

mtollefsen@anselm.edu

Paul Christopher Manuel is an Affiliate at the Minda de Gunzburg Center for European Studies at Harvard University and a Professor of Politics and Executive Director at the New Hampshire Institute of Politics at Saint Anselm College. Maurya N. Tollefsen is a Research Associate at the New Hampshire Institute of Politics at Saint Anselm College.

**Abstract**

In the thirty-three years since the April 25, 1974, Carnation Revolution, there have been sporadic efforts by progressive forces to legalize abortion in Portugal. This activity has intensified over the past nine years, culminating with two national referenda on the subject, one in 1998 which narrowly affirmed the ban on abortion, and the second in 2007 which allowed for the procedure during the first ten weeks of pregnancy. One reason that the abortion debate in Portugal attracted much interest in the world press was what it would potentially teach about the Roman Catholic Church's contemporary role in Portuguese society. That is, would the Church maintain its traditional influential role over public policy formation in a secularizing Portugal, especially related to its moral teaching? There is some controversy about the type of secularization which is taking place (i.e., Portuguese-style secularization may be of a different sort than that of Northern European countries), but there is little doubt that the Church's ability to define morality for its members has been reduced in recent years. The Church now competes with many secular voices to frame issues such as sexuality, marriage, divorce and abortion. The recent vote to legalize abortion—a move bitterly opposed by the Church—is but one of many examples symbolizing a drift in Portuguese society toward secularization. There was another dimension to the national debate over abortion as well: the pro-choice side successfully harmonized its rhetoric to certain traditional communal values found in Portuguese society—namely compassion, solidarity and support—and, in so doing, forged a recovery of those values.

In the thirty-three years since the April 25, 1974, Carnation Revolution, there have been sporadic efforts by progressive forces to legalize abortion in Portugal. This activity has intensified over the past nine years, culminating in two national referenda on the subject, one in 1998 which narrowly affirmed the ban on abortion, and the second in 2007 which allowed for the procedure during the first ten weeks of pregnancy. Prior to the 2007 vote, Portugal's abortion laws had been distinctly conservative among other European nations. Malta, Poland and Ireland are the only other European nations that have laws prohibiting abortion on demand (*Financial Times*, 2007).

Abortion continues to be a contentious issue across the globe, particularly in the United States and Southern Europe. One reason that the abortion debate in Portugal attracted such interest in the world press was what it could potentially teach about the Roman Catholic Church's contemporary role in Portuguese society. That is, would the Church maintain its traditional influential role over public policy formation, especially related to its moral teaching? Since the democratic transition of the 1970s, the Roman Catholic Church has sought to assert its moral voice in the Portuguese public square, all the while being opposed by a growing number of citizens who reject its authority to do so. There is some controversy about the type of secularization taking place in Portugal (i.e., Portuguese-style secularization may be of a different sort than that of Northern European countries), but there is little doubt that the Church's ability to define morality for its members has been reduced in recent years. The Church now competes with many secular voices to frame issues such as sexuality, marriage, divorce and abortion. The recent decision by Portugal to legalize abortion—a move bitterly opposed by the Church—is but one of many examples symbolizing a drift in Portuguese society toward secularization (Manuel et al 2006).

The abortion debate in Portugal was both complex and multi-dimensional. Arguably, the former law banning abortion was in harmony with how the issue of life has traditionally been understood by significant sectors of Portuguese civil society. Let us cite a few examples. To begin with, the country is a pioneer among European countries in the movement against capital punishment, having eliminated the death penalty for ordinary crimes in 1867, and for all crimes in 1976 (European Union, 2007). Even the laws governing Portuguese bullfighting make it illegal for the matador to kill the bull at the end of a fight.<sup>1</sup> Perhaps most important, the familial nature of Portuguese society has always been a bonding element of communal and societal life, and the bringing of a new child into the world has traditionally been greeted with great celebration. Life is highly valued in Portugal and, as such, significant sectors of civil society needed time to absorb all of the implications raised by the prospect of ending the ban on abortion.

Let us briefly suggest three interlocking sets of issue clusters which oriented the abortion debate in Portugal. First, there is *the question of modernity*. The abortion debate ignited the centuries-old societal cleavage line over the issue of clericalism versus anti-clericalism, and the outcome represents a step away from laws nurtured under the moral teachings and political influence of the Roman Catholic Church and perhaps towards

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<sup>1</sup>The law, which was enacted in 1928, has a heavy penalty for offenders. In 2007, a celebrated Portuguese bullfighter was fined \$137,000 for killing a bull at the end of a fight (*New York Times* 2007).

a new modern, secular and rights-based era. Second, *the fulfillment of the democratic promises of the April 25 revolution*: the 2007 referendum was made possible thanks to the democratic transition ushered in by the April 1974 Revolution, enabling the people to have the final say on questions of public policy. Public policy choices in Portugal are no longer the exclusive purview of narrow cultural, political, military or economic elites, as had been the case for much of the twentieth century. Rather, the core democratic principle that governmental legitimacy requires a mandate of the people has become well entrenched in the thirty-some years of democratic practice since the April revolution. Third, *the issue of compassion and communal values*: between 1998 and 2007 the pro-choice movement gained traction as a reaction to the criminalization of women who had abortions and the doctors and nurses who had made the procedure possible (*The Independent*, 1998). Many Portuguese were horrified by the thought that women found guilty of having had an abortion faced up to three years in prison or a \$20,000 fine. In light of this generalized feeling, progressive forces started to move their political strategy away from the rhetoric of “reproductive rights” and towards the need for sympathy and support for women in trouble. This shift in strategy, along with the strong pro-choice support of Prime Minister Jose Socrates, contributed to the growing public unease towards the abortion ban in the early 2000s.

### **The 1998 Debate**

In 1979, the debate to legalize abortion began after two famous trials brought the issue to the forefront of the political agenda.<sup>2</sup> While neither of the defendants was found guilty, these trials nonetheless opened the door for progressive groups to demand that the issue be reexamined. A reform law was passed in 1984 that changed the strict, zero-tolerance abortion law to one which permitted abortion in certain cases; namely, in the case of a “risk to the woman’s life, risk to her physical or mental health, fetal malformation, and pregnancy resulting from rape” (Vilar 2002).

Following the election of a Socialist majority government in the National Assembly in 1995, two new bills that called for the legalization of abortion by request were submitted to the National Assembly (Vilar 2002). At this point a division within the Socialist Party on abortion appeared when Socialist Prime Minister António Guterres, a pro-life Roman Catholic, tabled the legislative proposals. Undeterred, pro-choice groups continued to lobby for a change in the law and, in February 1998, the National Assembly passed a bill that provided for an abortion in the first ten weeks of pregnancy with certain conditions.<sup>3</sup> Prime Minister Guterres profoundly opposed the bill, and argued that the constitution required that this change be ratified by a mandate from the people in

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<sup>2</sup>There were two trials in 1979. The first trial was of a journalist who produced a TV program on abortion. He was tried for moral outrage. The second trial involved a student nurse who had an abortion (Vilar 2002).

<sup>3</sup>Portugal legalizes abortion against protests,’ *Deutsche Presse-Agentur*, February 5, 1998. Available at

[http://www.lexisnexis.com.library.anselm.edu/us/Inacademic/results/docview/docview.do?ri sb=21\\_T2864608164&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29\\_T2864608167&cisb=22\\_T2864608166&treeMax=true&treeWidth=0&csi=144245&docNo=1](http://www.lexisnexis.com.library.anselm.edu/us/Inacademic/results/docview/docview.do?ri sb=21_T2864608164&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29_T2864608167&cisb=22_T2864608166&treeMax=true&treeWidth=0&csi=144245&docNo=1) (accessed September 2007).

the form of a national referendum. According to the Portuguese constitution, “the voting citizens enrolled on the national territory may be called upon to express themselves directly and on a mandatory basis” in a referendum. In addition, “[E]ach referendum deals with one single matter; the questions are formulated objectively, clearly, precisely, and in such terms as to require a yes or no answer” (Portuguese Constitution 1976).

The Prime Minister’s tactic of calling for the referendum was a source of great controversy among members of the National Assembly. Some contended that António Guterres had violated the Portuguese constitution, which does not allow for measures passed by the National Assembly to be put to a national referendum (Freire and Baum 2003). And yet, as Freire and Baum (2003) have observed, a political deal, which allowed the measure to go to the people, was worked out between Guterres and Social Democratic leader Marcelo Rebelo de Sousa, leading to the first referendum on abortion in June 1998.

The campaign period ran from June 16-26, 1998, and was characterized by great acrimony between the pro-life and pro-choice sides – which had ramifications for the age-old clerical/anti-clerical divide.<sup>4</sup> In a conscious effort to limit the resurgence of this cleavage, the Roman Catholic Church hierarchy requested that its priests and nuns refrain from political activism. At the same time, as a theological issue, religious leaders were asked to speak against “the intrinsic evil of abortion” in church or other appropriate venues.<sup>5</sup> This strategy was very much in keeping with the reforms of the Second Vatican Council, which sought to get the Church out of close partnership with governmental power, all the while maintaining a robust moral teaching posture in Iberian society (Manuel, 2002).

There was also a significant divide within the Socialist Party. Prime Minister Guterres announced his intention to vote against the legalization of abortion, even as his Socialist parliamentary colleague Sergio de Sousa Pinto – who had helped draft the original abortion bill – was campaigning to legalize the procedure. In Sousa Pinto’s view, the new law was necessary given “the terrible public health problem associated with il-

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<sup>4</sup>The three most important documents relating to religious freedom in contemporary Portugal are the Portuguese Constitution of 1976, the 2001 Religious Freedom Act and the 1940 Concordat. The Constitution provides for freedom of religion, the Religious Freedom Act grants non-Catholic religions the same benefits previously only ascribed to the Roman Catholic Church, and the 1940 Concordat between the Portuguese government and the Vatican is currently being revised in light of Vatican II understandings of church-state relations. All of this is quite distinct from the virulently anti-clerical and secular Lei de Separação (Church/State separation law) of 1911, which actually placed the Church under the control of the state. Civil authorities are dialoguing with the Church authorities to allow for both secular and clerical space in Portuguese society. In short, these new procedures and understanding adopted since the Second Vatican Council in the 1960s and the Portuguese democratic transition in the 1970s invite the Catholic Church to participate in public policy process, but not to control it (Manuel and Mott, 2006).

<sup>5</sup>Accordingly, many Catholic figures used their voices through media outlets to appeal to the large Portuguese Catholic community arguing that “the right to life is inviolable and cannot be discussed.” The same was true during the 2007 debate, see *Aborto: «Missa não é local de campanha Escreve o cardeal-patriarca de Lisboa numa nota dirigida aos padres* on January 12, 2007. Information available at <http://www.rtp.pt/index.php?article=266519&visual=16>

legal abortion carried out under improper conditions, which is an offence to human dignity" (*The Irish Times*, 1998).

The split in the party had dire consequences for pro-choice Socialists who could not unify their party and mobilize voters. The 1995 legislative elections proved Portuguese support for the PS. The PS had received 43.76 percent of vote in the legislative elections with the PPD/PSD receiving only 34.12 percent (Marktest, 2007). A united Socialist message could have determined the outcome of the referendum, but its force was weakened because of the divide in the party. In addition, the Democratic Social Center and a majority of the Social Democratic Party maintained a pro-life posture, significantly mitigating the pro-choice stance of the Communist and Green Party among the electorate.<sup>6</sup>

Interest groups were very active during the campaign. The week before the referendum thousands of pro-choice activists held a march at Lisbon's Parliament Square. Many of these activists argued that the high number of deaths caused from clandestine abortions each year should not be ignored. According to some health experts, there were as many as 16,000 illegal and 280 legal abortions each year. In addition, around 12,000 women in 1997 had been hospitalized with complications resulting from clandestine abortions (*Christian Science Monitor*, 1998). Duarte Vilar, the Executive Director of the Portuguese Family Planning Association, contended that the law banning abortion was hypocritical because the procedure was fairly common.<sup>7</sup> Vilar and his pro-choice allies had to contend with a pro-life Socialist Prime Minister, the moral teachings of the Catholic Church and a pro-life center-right parliamentary group.

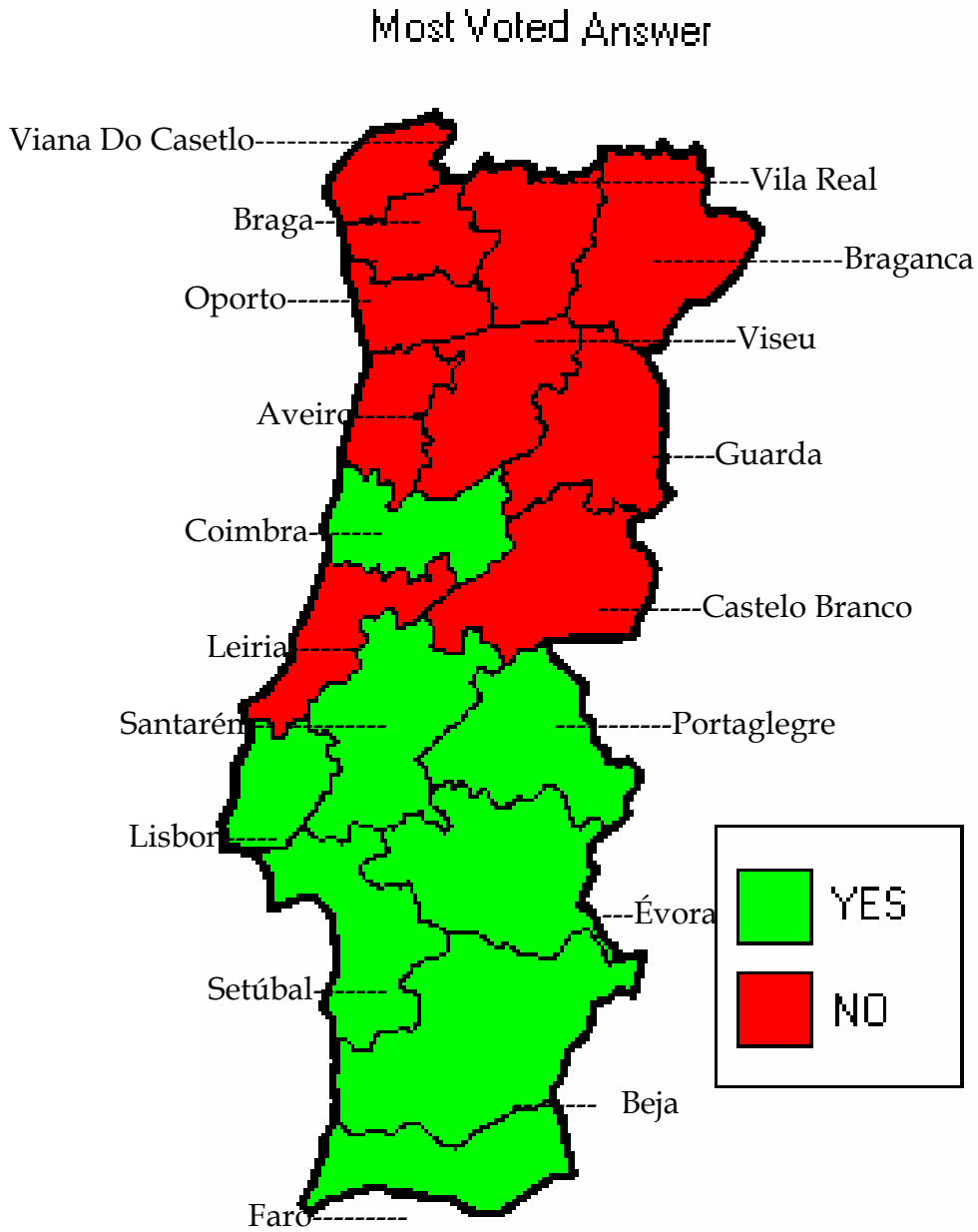
The referendum question read: "Do you agree with the decriminalization of the voluntary interruption of pregnancy, if it takes place in the first 10 weeks and in an authorized healthcare institution" (CNE Resultados 2007). A "yes" vote would have ended the ban on abortion, whereas a "no" vote would maintain the ban. Let us fast-forward to the results in the 1998 referendum: 50.9 percent voted "no" and 49.1 percent voted "yes" (see Table 1, p. 10). That is, a 1 percent majority voted to maintain restrictions on abortion – but there is more to this story.

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<sup>6</sup>(1998) "Portugal legalizes abortion against protests," Deutsche Presse-Agentur, February 5. Also see "Cardeal D. José Policarpo diz que aborto é uma atitude egoísta," on January 23, 2007; <http://www.portugaldiarario.iol.pt/noticia.php?id=764989>

<sup>7</sup>In Vilar's words, "It [abortion] has always been a part of life here. Everyone knows where to have an abortion in Portugal, including judges, the police and all the authorities. It has been very consistent, both before and after the revolution in 1974: the state always wanted to say publicly that they were against abortion and that they had banned it, but there has always been a culture of tolerance towards abortions" (*The Irish Times*, 1998).

**Map 1: Results of the 1998 Abortion Referendum by District Location**



Source: Map is taken from <http://eleicoes.cne.pt/cne2005/raster/index.cfm?dia=28&mes=06&ano=1998&eleicao=re1>.

There was a very large abstention rate. The referendum required 50 percent of registered voters to participate to legitimize the vote, but only 31.5 percent of registered voters cast ballots, with 68.1 percent of eligible voters abstaining.<sup>8</sup> Some have argued that the sunny weather and the football world cup may have contributed to the low voter turnout.<sup>9</sup> In addition, several other sociological explanations for the low turnout rate have been offered. One view contends that, since the referendum caused many voters to vote against the stated positions of their political party, they may have decided to abstain. Another explanation focuses on the early media reports of a “yes” victory, which may have had the unintended consequence of demobilizing voters who believed that there was no reason to turn out at the polls, driving up the abstention rate and keeping abortion-rights supporters at home (Freire and Baum 2002). It is important to note that there was a high abstention rate in a later regionalization referendum held in November of the same year, which may indicate the abstention rate was not a result of the issue at hand but of the country’s new democratic system.

The geographical voting pattern was heavily divided between northern and southern districts. As indicated in Map 1, all of the northern districts, with the exception of Coimbra, voted “no,” while all of the southern districts voted “yes” to legalizing abortion. The two autonomous regions of Açores and Madeira each voted “no” by large percentages. The results were mixed in urban areas: 67.97 percent in the greater Lisbon area voted “yes” while 57.19 percent in greater Oporto area voted “no” (Marktest 2007). Marina Costa Lobo has usefully argued that regional economic conditions control this geographical ideological division, observing the causal relationship between a country’s economic development and its modern identity (Lobo cited in *Boston Globe* 2004). Lisbon and Setubal are two of the richest urban areas in Portugal and each voted to legalize abortion; the reverse was the case in the less developed areas (*The Independent*, 2001). This lack of modern development may be one reason for the disparity between the secularized urban areas and the rural north.

## 1998-2007

Although the low voter turnout invalidated the final result in 1998, the Socialist party decided not to push for the legalization of abortion in the aftermath of the referendum.<sup>10</sup> However, the issue returned to the headlines when a mid-wife was arrested in February 2000, for illegally performing abortions. This woman, Maria do Ceu Ribeiro, was accused of “repeated illegal practice of abortion, fraud, forgery of documents and

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<sup>8</sup>(1998) “Portuguese voters reject reform of abortion laws,” *Deutsche Presse-Agentur*, June 28. Available at

[http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/results/docview/docview.do?ri sb=21\\_T2864626118&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29\\_T2864626122&cisb=22\\_T2864626121&treeMax=true&treeWidth=0&csi=144245&docNo=1](http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/results/docview/docview.do?ri sb=21_T2864626118&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29_T2864626122&cisb=22_T2864626121&treeMax=true&treeWidth=0&csi=144245&docNo=1) (accessed September 2007).

<sup>9</sup>(1998) “Portugal to withdraw law permitting abortion,” *Deutsche Presse-Agentur*, June 29. Available at:

<http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/search/homesubmitForm.do> (accessed September 2007).

<sup>10</sup>(1998) “World: Europe: Portugal’s abortion bill abandoned,” *BBC News*, June 28. Available at: <http://news.bbc.co.uk/1/hi/world/europe/121970.stm> (accessed September 2007).

drug trafficking.”<sup>11</sup> She was found guilty and sentenced to eight and a half years in prison. Ribeiro performed abortions in an “impoverished clinic” at her home. Other women were accused of having abortions at Ribeiro’s clinic but many of the women involved were not punished or were given reduced sentences. Right to Choose Groups, women’s organizations and leftist parliament members were horrified that women who had abortions were being put in jail.<sup>12</sup>

By 2004, there were even more trials and controversies surrounding the abortion issue. For instance, a court in the northern Portuguese district of Aveiro acquitted seven women who were accused of having abortions in February of 2004,<sup>13</sup> even though that district had voted “no” in the 1998 referendum by a 67.73 percent to 32.27 percent vote (Marktest 2007). This court verdict may very well have been a telling sign of the change of opinion on women and illegal abortion in a traditionally conservative northern district. That is, many conservative leaders who were against abortion could not support sending women to jail for aborting.

The debate heated up during the legislative elections in 2005. The new, pro-choice, Socialist Party leader, Jose Socrates, vowed to hold a new referendum on abortion if he were elected Prime Minister. His electoral campaign was a success. As Prime Minister, he called for a new referendum because of what he saw as the “signs of change” in Portuguese society, as well as the “persisting drama of illegal abortion.”<sup>14</sup> For

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<sup>11</sup>Excerpt from report by Portuguese radio. (2002) “Portugal: Pro-abortion campaigners call for change in law,” *BBC Monitoring Europe*, January 18.

Available at

[http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/results/docview/docview.do?ri sb=21\\_T2864642280&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29\\_T2864642283&cisb=22\\_T2864642282&treeMax=true&treeWidth=0&csi=10962&docNo=1](http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/results/docview/docview.do?ri sb=21_T2864642280&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29_T2864642283&cisb=22_T2864642282&treeMax=true&treeWidth=0&csi=10962&docNo=1) (accessed August 2007).

<sup>12</sup>Many protested the trials by signing petitions to end the law, while others protested outside the site of the trial. Francisco Louca, the leader of the Left Block [BE] articulated well the pro-choice position at that moment in Portugal with this observation, “The court was a prisoner of the law and this is why the crime was the trial itself. Having to try people who chose to terminate their pregnancies, to have an abortion, is a situation that cannot be allowed to continue in Portugal.”

“Portugal: Pro-abortion campaigners call for change in law,” *BBC Monitoring Europe*, January 18.

Available at:

[http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/results/docview/docview.do?ri sb=21\\_T2864642280&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29\\_T2864642283&cisb=22\\_T2864642282&treeMax=true&treeWidth=0&csi=10962&docNo=1](http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/results/docview/docview.do?ri sb=21_T2864642280&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29_T2864642283&cisb=22_T2864642282&treeMax=true&treeWidth=0&csi=10962&docNo=1) (accessed August 2007).

<sup>13</sup>Radio excerpt. (2004) “Portuguese court acquits women accused of illegal abortion,” *BBC Monitoring Europe*, February 17. Available at

<http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/search/homesubmitForm.do> (accessed September 2007).

<sup>14</sup>Publico web site. (2005) “Portugal to hold new referendum on abortion, premier says,” *BBC Monitoring Europe*, March 21. Available at

[http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/results/docview/docview.do?ri sb=21\\_T2864659092&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29\\_T2864659095&cisb=22\\_T2864659094&treeMax=true&treeWidth=0&csi=10962&docNo=1](http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/results/docview/docview.do?ri sb=21_T2864659092&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29_T2864659095&cisb=22_T2864659094&treeMax=true&treeWidth=0&csi=10962&docNo=1) (accessed September 2007). Not all Socialists were in agreement with the Prime Minister, *Socialistas católicos*



its part, the Catholic Church reaffirmed its stance against abortion. The Patriarch of Lisbon, Cardinal Dom Jose Policarpo, argued that “the issue of abortion is not exclusively religious, but one of natural order because respect for life is the fundamental aim of ethics.”<sup>15</sup> His argument targeted the moral, ethical and religious conscience of the Portuguese community. After a period of negotiation with President Jorge Sampaio, Prime Minister Socrates finally scheduled the new referendum for February 11, 2007.<sup>16</sup>

## February 2007

This second referendum featured new campaign strategies from the pro-choice forces. During the 1998 abortion debate, the pro-choice side focused primarily on the rhetoric of a “women’s right to choose,” with the pro-choice slogan of “My belly is mine and I’ll do what I want with it” (*The New York Times* 2007). This strategy did not appeal to a majority of Portuguese voters. In 2007, given the estimated 23,000 illegal abortions in Portugal annually, and the over 10,000 Portuguese women hospitalized because of these clandestine abortions, pro-choice groups decided to focus on the human suffering under the ban on abortion (*Jurist* 2007). Their campaign’s new slogan, “A Responsible Yes” helped the pro-choice movement appear compassionate, moderate and reasonable. This strategy, invoked by the Communists, Left Bloc and Greens, publicized the many deaths, injuries and psychological damage that resulted from clandestine abortions. In the end, this strategy was much more effective than the strategy used in 1998, which almost exclusively focused on a woman’s right to choose (*The Times: London* 2007).

In response, pro-life forces fought to protect the country from “moral decay.” Many Catholic leaders contended that the legalization of abortion would lead to a “slippery slope” that would end with the legalization of gay marriage (*The Times: London* 2007). The Church also argued that abortion clinics would economically profit from the law. Pro-life groups argued that pregnancy prevention programs were the best solution to unwanted pregnancy in the country with the second highest teen pregnancy rate in Europe (*Financial Times* 2007). The Church remained influential in the pro-life debate during this time and its moral suasion, especially in northern, rural areas, was undeniable.

Right-to-life groups countered the actions of Right to Choose Groups with appeals to the moral conscience of the people. For example, in the Roman Catholic-run day-care centers in the city of Setubal, children were sent home with a letter from voices of dead fetuses addressed to their parents. The letter, written by Rev. Miguel Alves, said, “Mummy, how were you able to kill me?” (*The New York Times* 2007). This attempt to

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*contra o aborto* 2007/01/10, Edite Estrela e Jorge Coelho presentes no lançamento do movimento, *Portugal Diário*, <http://www.portugaldiario.iol.pt/noticia.php?id=760244>

<sup>15</sup>Diario de Noticias web site. (2005) “Patriarch of Lisbon against Portugal’s plans for abortion referendum.” *BBC Monitoring Europe*, April 5. Available at <http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/search/homesubmitForm.do> (accessed August 2007).

<sup>16</sup>Publico web site. (2005) “Portuguese president postpones abortion referendum until 2006,” *BBC Monitoring Europe*, May 2. Available at: <http://www.lexisnexis.com.library.anselm.edu/us/lnacademic/search/homesubmitForm.do> (accessed September 2007).

appeal to Catholic voters was met with mixed emotions. Many anti-abortion activists were disgusted by the tactic, including Manuel De Lemos, the operator of the Confederation of Catholic charitable organizations (*The New York Times* 2007). Less controversial actions were also taken by the pro-life side, including anti-abortion messages through radio broadcasts and pamphlets. Leaflets were extensively passed out at the Marian shrine at Fatima where a group of bishops gathered on February 11, 2007 (*The Guardian* 2007).

The political parties aligned as in the 1998 referendum. The Portuguese Communist Party, the Greens, Left Bloc and the Portuguese Socialist Party all fought to legalize abortion. Conversely, the Democratic Social Center and important members of the Social Democratic Party worked alongside pro-life forces to maintain the ban on abortion. The Social Democratic Party faced opposition from members of its own party but maintained its strength as an anti-abortion force under the leadership of Luís Marques Mendes, the head of the Social Democratic Party (*Socialist Worker* 2007). The 2005 parliamentary elections reaffirmed the strength of the PS and PSD. The PS received 45.03 percent of the vote and the PPD/PSD received 28.77 percent of the vote, leaving the PS in a strong position to influence voters' decisions in the referendum (Marktest 2007).

Polls leading up to the referendum indicated that the public would vote to relax the ban on abortion. However, many on the pro-choice side were concerned that there would not be enough ballots cast to validate the vote. Consequently Prime Minister Jose Socrates started to urge younger voters – who tended to support the legalization of abortion, but also had the highest level of abstention in the 1998 referendum – to vote.<sup>17</sup> The ability of the pro-choice side to mobilize young voters became quickly understood as a crucial measure to achieving a 50 percent turnout.

On February 11, 2007, Portuguese voters were asked the same question as in 1998: “Do you agree with decriminalization of abortion when requested on women’s demand, up to 10 weeks of pregnancy, and performed in an authorized clinic” (*International Viewpoint* 2007). As evidenced in Table 1, the results of the referendum were as follows: 59.24 percent of people voted “yes” to legalize abortion, while 40.76 percent voted “no” to keep the existing law (Marktest 2007). This time 56.4 percent of eligible voters abstained from voting, which meant that although people voted “yes” in significant numbers, the vote was not validated because of the country’s high abstention rate.

Table 1 indicates that the results of the referendum reveal a striking division between northern and southern districts. There were some important differences from the 1998 referendum in three districts, Castelo Branco, Leiria, and Oporto: all changed their vote from “no” to “yes.” All other districts did not change their vote from the 1998 referendum, although many districts that voted “no” in 1998 narrowed the difference between the number of “yes” and “no” votes from 1998 to 2007. Urban areas were the most

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<sup>17</sup>Excerpt from report by *Diario de Noticias* (2007). “Portugal’s prime minister targets young people in abortion campaign,” *BBC Monitoring Europe*, February 7. Available at: [http://www.lexisnexis.com.library.anselm.edu/us/Inacademic/results/docview/docview.do?ri sb=21\\_T2864693200&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29\\_T2864693203&cisb=22\\_T2864693202&treeMax=true&treeWidth=0&csi=10962&docNo=1](http://www.lexisnexis.com.library.anselm.edu/us/Inacademic/results/docview/docview.do?ri sb=21_T2864693200&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29_T2864693203&cisb=22_T2864693202&treeMax=true&treeWidth=0&csi=10962&docNo=1) (accessed September 2007).

likely to vote to legalize abortion; in the district of Lisbon, 71.47 percent of Portuguese voted to legalize abortion.

**Table 1: The Results of the 1998 and 2007 Referendums**

District	Yes		No		Abstain	
	1998	2007	1998	2007	1998	2007
Aveiro	32.27	44.62	67.73	55.38	69.37	57.73
Beja	78.17	83.90	21.83	16.10	77.04	60.17
Braga	22.60	41.20	77.40	58.8	60.26	53.61
Braganca	26.25	40.84	73.75	59.16	71.42	65.64
Castelo Branco	47.22	61.63	52.78	38.37	71.22	59.44
Coimbra	52.94	62.91	47.06	37.09	72.67	59.94
Évora	72.98	78.39	27.02	21.61	73.33	57.00
Faro	69.59	73.64	30.41	26.36	77.62	61.19
Guarda	29.92	46.74	70.08	53.26	67.99	61.54
Leiria	48.17	58.33	51.83	41.67	70.60	56.13
Lisbon	67.97	71.47	32.03	28.53	65.53	51.33
Portalegre	67.68	74.45	32.32	25.55	75.86	61.06
Oporto	42.82	54.37	57.18	45.63	66.62	55.10
Santarém	56.57	65.07	43.43	34.93	70.17	55.86
Setúbal	81.89	81.99	18.11	18.01	66.63	51.52
Viana Do Castelo	26.21	40.41	73.79	59.59	65.91	60.36
Vila Real	23.97	38.11	76.03	61.89	68.72	64.84
Viseu	24.22	38.51	75.78	61.49	69.63	62.35
Açores	17.34	30.74	82.66	69.26	72.87	70.50
Madeira	23.97	34.56	76.03	65.44	67.24	61.43

Source: Results gathered from Marktest.com

Several explanations have been offered as to why the abstention rate remained high. Some pointed to the rainy weather the day of the referendum. Others suggested that pressure from the Catholic Church on voters to abstain if they did not feel they could vote “no” was successful (*BBC News* 2007). A third line of thinking was offered by Pedro Magalhaes, who observed that “referendums, unlike regular elections, often deal with complicated issues, and people who are not politically motivated or informed have a problem making the decision to vote” (*The New York Times* 2007).

Although the abstention rate was again too high to validate the vote, there was a significant increase in the number of voters in comparison to the 1998 referendum. Consequently, Socialist party leaders decided to forge ahead with their plan to legalize abortion despite their failed attempt at the referendum. Prime Minister Socrates insisted that the reform movement would continue and a new law would be proposed in parlia-

ment.<sup>18</sup> Socrates' Socialist majority in the National Assembly, in alliance with progressive forces in parliament, supported the change. In April of 2007, Portugal's President, Anibal Cavaco Silva, signed the abortion bill allowing abortion in the first ten weeks of pregnancy.

## Conclusion

There are several important factors regarding why the Portuguese finally voted to liberalize abortion laws in 2007. Let us suggest the following four: first, the influence of the Prime Minister at the time of each referendum; second, the strategy of pro-life and pro-choice groups; third, the nature of Portuguese Catholicism and finally, public sympathy given to women who were brought to trial over abortion between 1998 and 2007.

**First, the influence of the Prime Minister.** The 1998 abortion referendum was heavily influenced by Socialist Prime Minister António Guterres. His public opposition to legalizing abortion greatly damaged efforts by other Socialist members to mobilize voters.<sup>19</sup> The split in the party, coupled with the influence of Guterres on the Portuguese people, contributed to the defeat of the pro-choice agenda that year. In 2005 Prime Minister Jose Socrates used the promise of a new abortion referendum as part of his platform in that year's election, calling clandestine abortions "a national disgrace" (*Financial Times* 2007). When Socrates became Prime Minister, he scheduled a new referendum, and called upon Portugal to move toward more "modern" customs.<sup>20</sup> This strategy proved to be effective, especially for the many Portuguese who compare their country with Spain, which has a much more liberal abortion law.

**Second, the change in strategy of the pro-choice groups.** The abortion debate in 2007 was framed around the tragedy of clandestine abortions and their often deadly impact on the lives of Portuguese women, and not on the fate of the unborn child. This was of great tactical and symbolic importance for the pro-choice movement. In addition, they let the people know that an estimated 4,000 Portuguese women were traveling to Badajoz, Spain, to have abortions in the *Los Acros* clinic each year.<sup>21</sup> The fate of those Portuguese women who could not afford to travel to Spain for abortions was dire: abortions in backstreet clinics, causing many deaths each year (*The New York Times* 2007). In addition, women who had undergone abortions told stories of their clandestine abortions and the serious complications that arose from their decision. With these strategies in

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<sup>18</sup>Socrates faced opposition from Partido Popular leader, Jose Ribeiro e Castro, who claimed that, "Socrates will be responsible for this sad chapter in Portugal's history, for insisting on a political move that has split Portuguese society" (*The Toronto Star* 2007).

<sup>19</sup>(2007) "A Painful Choice," *The Economist Online*, February 10. Available at: [www.economist.com/displayStory.cfm?story\\_id=8686503](http://www.economist.com/displayStory.cfm?story_id=8686503) (accessed September 25, 2007).

<sup>20</sup>By 2007, many European countries had adopted more liberal abortion laws, leaving only four countries without abortion on demand. Socrates focused on the Portuguese people's desire to thrive among its European neighbors. He argued, "What we have to do now is what more developed nations did 20 or 30 years ago" (2007). "Emotions Run High of Portugal Abortion Vote," *Christian Post*, February 10.

<sup>21</sup>Yolanda Hernandez, director of the clinic, explained that "We try to solve a problem for women that they can not solve in their own country. Women who reject maternity look for a way to get rid of the pregnancy" (*BBC News* 2007).

play, the results of the 2007 referendum were markedly different than just a decade before. In the 1998 referendum 48.7 percent of Portuguese voted “yes” to abortion but just a decade later 59.24 percent of Portuguese voted “yes.” Additionally, the abstention rate was much lower in the later referendum, which also helped progressive forces.

**Third, the nature of Portuguese Catholicism.** The recent battle over abortion in Portugal suggests that secular humanism is encroaching on what had been the terrain of the Roman Catholic Church. Secular forces are clearly altering the face of Roman Catholicism in Portugal, but we must hasten to add that Portuguese Catholicism has traditionally been thin at the official level. Faithful Portuguese Roman Catholics, most of whom live in the central and northern rural areas, and in the islands, have traditionally been more attracted to *Nossa Senhora de Fátima*—a hallmark of Portuguese spirituality— or in venerating a local saint, especially Saint Anthony of Padua (who was actually born in Lisbon) rather than following official theological pronouncements issued in Rome, or from the Braga or the Lisbon archdioceses.<sup>22</sup> Almost fifty percent of baptized Catholics regularly attend Mass, and Portuguese still use the Church for baptisms, weddings and funerals in large numbers, but their faith experience continues to function at a more local rather than a doctrinal level; and they tend to remain unmoved by calls to political action (Manuel and Mott, 2006).

**Fourth, a return to communal values.** In the end, the pro-choice side successfully harmonized its rhetoric to certain traditional communal values found in Portuguese society—namely compassion, solidarity and support—and, in so doing, forged a recovery of those values. A majority of Portuguese voted to reject the criminalization of abortion in order to provide compassion, solidarity and support for those women in crisis, protecting them from jail sentences and abortion-related deaths and injuries. In 2007 a majority of Portuguese voted to relax the ban on abortion, in part because the pro-choice forces had convinced them that abortion is a “necessary evil.” In that fashion the outcome of the 2007 referendum on abortion represents both an embrace of secular modernity by Portuguese civil society as well as a recovery of traditional communal values.

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<sup>22</sup>*Apelo religioso não tem qualquer efeito no voto católico; Igreja Praticantes separam religião da política* February 15, 2005; [http://www.portugaldiario.iol.pt/noticia.php?id=502368&div\\_id=291](http://www.portugaldiario.iol.pt/noticia.php?id=502368&div_id=291)

## References

- (2007) "Aborto: «Missa não é local de campanha Escreve o cardeal-patriarca de Lisboa numa nota dirigida aos padres," *Radio E Televisao de Portugal* (online), January 7. Available at: <http://www.rtp.pt/index.php?article=266519&visual=16> (accessed November 15, 2007).
- (2005) "Apelo religioso não tem qualquer efeito no voto católico; Igreja Praticantes separam religião da política," *Portugal Diario* (Online), February 15. Available at: [http://www.portugaldiario.iol.pt/noticia.php?id=502368&div\\_id=291](http://www.portugaldiario.iol.pt/noticia.php?id=502368&div_id=291) (accessed November 15, 2007).
- (2007) 'Cardeal D. José Policarpo diz que aborto é uma atitude egoísta,' *Portugal Diario*, January 23. Available at: <http://www.portugaldiario.iol.pt/noticia.php?id=764989> (accessed November 15, 2007).
- CNE Resultados. (2007) "Comissão Nacional de Eleições," (Online) Available at: [http://eleicoes.cne.pt/cne2005/ras\\_ter/in dex.cfm?dia=11&mes=02&ano=2007&eleicao=re1](http://eleicoes.cne.pt/cne2005/ras_ter/in dex.cfm?dia=11&mes=02&ano=2007&eleicao=re1) (accessed August 25, 2007).
- European Union. (2007) "Delegation of the European Commission to the USA." (Online) Available at: <http://www.eurunion.org/legislat/deathpenalty/eumemorandum.htm> (accessed August 30, 2007).
- Freire, A., & Baum M. (2003) "1998 Portuguese Referendums Explaining the Results and Speculating on the Future of Direct Democracy in Portugal." *Portuguese Journal of Social Science* 2,3 (December 2004): 5-19.
- Manuel, P. C., Reardon, L. & Wilcox, C., eds. (2006) *The Catholic Church and the Nation-State*. Washington DC: Georgetown University Press.
- Manuel, P. C and Mott, M. 2006. "The Latin European Church: Une Messe est Possible," in Manuel, P. C., Reardon, L. & Wilcox, C., eds. *The Catholic Church and the Nation-State*, Washington DC: Georgetown University Press, 53-69.
- Manuel, P. C. (2002) "Religion and Politics in Iberia: Clericalism, Anti-Clericalism and Democratization in Portugal and Spain," in Jelen, T. and Wilcox, C., *Religion and Politics in Comparative Perspective: The One, the Few and the Many*. Cambridge: Cambridge University Press.
- Marktest. "Referendo Nacional- Interrupção Voluntária da gravidez," (online). Available at: <http://www.marktest.com/wap/a/p/id~dc/cod~230000.aspx> (accessed on August 6, 2007).
- Diario de Noticias web site. (2005) "Patriarch of Lisbon against Portugal's plans for abortion referendum." *BBC Monitoring Europe*, April 5.

- Radio excerpt. (2004) "Portuguese court acquits women accused of illegal abortion," *BBC Monitoring Europe*, February 17.
- Excerpt from report by Diario de Noticias. (2007) "Portugal's prime minister targets young people in abortion campaign," *BBC Monitoring Europe*, February 7.
- Excerpt from report by Portuguese radio. (2002) "Portugal: Pro-abortion campaigners call for change in law," *BBC Monitoring Europe*, January 18.
- Publico web site. (2005) "Portugal to hold new referendum on abortion, premier says," *BBC Monitoring Europe*, March 21.
- Publico web site. (2005) "Portuguese president postpones abortion referendum until 2006," *BBC Monitoring Europe*, May 2.
- (2007) "Socialistas católicos contra o aborto 2007/01/10, Edite Estrela e Jorge Coelho presentes no lançamento do movimento," *Portugal Diario* (Online), January 10. Available at: <http://www.portugaldiario.iol.pt/noticia.php?id=760244> (accessed November 5).
- Sousa, A. (2007) "Abortion Referendum in Portugal," *International Viewpoint* [Online], January. Available at: <http://www.internationalviewpoint.org/spip.php?article1187> (accessed on September 5, 2007).
- Sousa, A. (2007) "How we won the abortion referendum," *Socialist Worker* [Online] Available at: <http://www.socialistworker.co.uk/art.php?id=10710> [accessed on October 31, 2007].
- Vilar, D. (2002) "Abortion: The Portuguese Case," *Reproductive Health Matters* 10,19 (May 2002): 156-161.