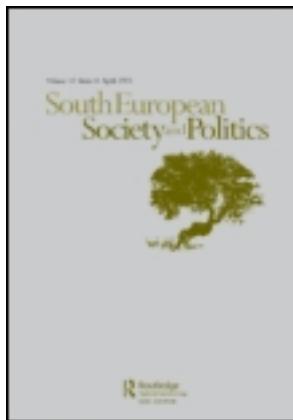


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SOUTH EUROPEAN ATLAS

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

Paul Christopher Manuel & Maurya N. Tollefson

In the 34 years since the 25 April 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. This article investigates 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? Additionally, the authors identify another dimension of the national debate over abortion: the pro-choice side's successful harmonization of 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.

Keywords: Abortion; Portugal; Referendum; Catholicism; Europe

Introduction

In the 34 years since the 25 April 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. 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 (Wise 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 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, 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 sphere, 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 which is 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, Reardon & Wilcox 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, 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 a matador to kill a bull at the end of a fight.¹ 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 much valued in Portugal, and as such, significant sectors of civil society needed time to absorb all of the implications raised by the prospects of ending the ban on abortion.

Let us briefly suggest three interlocking sets of issue clusters that 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 the laws nurtured under the moral teachings and political influence of the Roman Catholic Church and perhaps towards a new modern, secular and rights-based era. Second, *the fulfillment of the democratic promises of the 25 April 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 a narrow cultural, political, military or economic elite, 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 30

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 aborted and the doctors and nurses who had made it possible (Nash 1998). Many Portuguese were horrified by the thought that women found guilty of abortion faced up to three years in prison or a 20,000 dollar 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 towards women in trouble. This shift in strategy, along with the strong pro-choice support of Prime Minister José Sócrates, 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.² While neither of the defendants was found guilty, these trials nonetheless opened the door for progressive groups to demand that the issue be re-examined. A reform law was passed in 1984 that changed the strict, zero condition 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 were submitted to the National Assembly that called for the legalization of abortion by request (Vilar 2002). At this point a division within the Socialist Party (PS) 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 of 1998, the National Assembly passed a bill that provided for an abortion in the first ten weeks of pregnancy with certain conditions (Deutsche Presse-Agentur 1998a). 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 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, 'Each 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' (International Constitutional Law 1989).

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 & Baum 2003). And yet, as Freire and Baum (2003) have observed, a political deal was worked out between Guterres and the leader of the Social Democratic Party (PPD/PSD)

Marcelo Rebelo de Sousa which allowed the measure to go to the people, leading to the first referendum on abortion in June of 1998.

The campaign period spanned 16–26 June 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.³ 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.⁴ 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 Sérgio 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 illegal abortion carried out under improper conditions, which is an offence to human dignity’ (Kilroy 1998).

The split in the party had dire consequences for pro-choice Socialists who could not unify the party and mobilize voters. The 1995 legislative elections proved the Portuguese support of the PS. The PS had received 43.7 per cent of vote in the legislative elections with the PPD/PSD receiving only 34.1 per cent of the vote (Marktest 2007). A united Socialist message could have determined the outcome of the referendum but its force weakened because of the divide in the party. In addition, the Democratic Social Centre (CDS) and a majority of the PPD/PSD maintained a pro-life posture, significantly mitigating the pro-choice stance of the Communist and Green Party (PCP-PEV) among the electorate (Deutsche Presse-Agentur 1998b).⁵

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 by 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 (Almeida 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.⁶ 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 centre-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’ (Comissão Nacional de Eleições 2007). A ‘yes’ vote

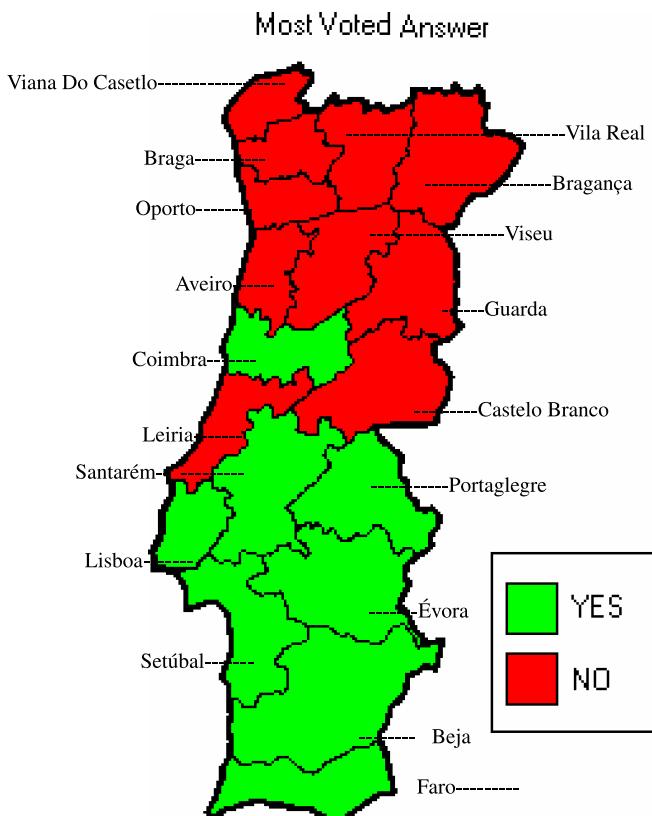
Table 1 Results of the 1998 and 2007 referenda

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

Source : www.Marktest.com

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 per cent voted 'no' and 49.1 per cent voted 'yes' (see Table 1). That is, a 1 per cent majority voted to maintain restrictions on abortion — but there is more to this story.

There was a very large abstention rate. The referendum required 50 per cent of registered voters to participate to legitimize the vote, but only 31.5 per cent of registered voters cast ballots, with 68.1 per cent of eligible voters abstaining (Comissão Nacional de Eleições 2007). Some have argued that the sunny weather and the football world cup may have contributed to the low voter turnout (Deutsche Presse-Agentur 1998b). In addition, several other sociological explanations for the low voter 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 to the polls, driving up the abstention rate and keeping abortion rights supporters at home (Freire & Baum 2003). 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.



Source: Comissão Nacional de Eleições

Note: Madeira and Azores are not shown but both autonomous regions voted 'no' to legalize abortion in 1998

Figure 1 Results of the 1998 Abortion referendum by district.

The geographical voting pattern was heavily divided between northern and southern districts. As indicated in Figure 1, all of the northern districts, with the exception of Coimbra, voted 'no' while all 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 the urban areas: 67.97 per cent in the greater Lisbon area voted 'yes' while 57.19 per cent 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 Setúbal 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 (Nash 2001). This lack of modern development may be one reason for this disparity between the secularized urban areas and the rural north.

The 1998 to 2007 *Intermezzo*

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 (BBC 1998). However, the issue returned to the headlines when a mid-wife was arrested in February, 2000, for illegally administering abortions. This woman, Maria do Céu Ribeiro, was accused of 'repeated illegal practice of abortion, fraud, forgery of documents and drug trafficking' (BBC 2002). She was found guilty and was sentenced to eight and a half years in prison. Ribeiro performed abortions in an 'impoverished clinic' at her home. Other women were accused of getting abortions from Ribeiro's clinic but many of the women involved were not punished or given reduced sentences. Right to Choose Groups, women's organizations, and leftist parliament members were horrified that women who aborted were being put in jail.⁷

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 (BBC 2004), even though that district had voted 'no' in the 1998 referendum by a 67.73 per cent to 32.27 per cent 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, José Sócrates, 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' (BBC 2005a). For its part, the Catholic Church reaffirmed its stance against abortion. The Patriarch of Lisbon, Cardinal Dom José 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' (BBC 2005b). His argument targeted the moral, ethical and religious conscience of the Portuguese community. After a period of negotiation with President Jorge Sampaio, Prime Minister Sócrates finally scheduled the new referendum for 11 February 2007 (BBC 2005c).

The 2007 Referendum

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' (Sciolino 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 (Price 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 that almost exclusively focused on a woman's right to choose (Catan 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' and would end with the legalization of gay marriage (Bugge 2007). The Church also argued that abortion clinics would economically profit from the law. Pro-life groups argued that pregnancy prevention programmes were the best solution to unwanted pregnancy in the country with the second highest teen pregnancy rate in Europe (Wise 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 conscious of the people. For example, in the Roman Catholic-run daycares in the city of Setúbal, children were sent home with letters from voices of dead foetuses addressed to their parents. The letter, written by Rev. Miguel Alves, said 'Mummy, how were you able to kill me?' (Sciolino 2007). This attempt to appeal to Catholic voters was met with mixed emotion. Many anti-abortion activists were disgusted by the tactic, including Manuel De Lemos, the operator of the Confederation of Catholic charitable organizations (Sciolino 2007). Less controversial actions were taken by the pro-life side including anti-abortion messages through radio broadcasts and pamphlets. Leaflets were extensively passed out at the Marian shrine in Fátima where a group of bishops gathered on 11 February 2007 (Tremlett 2007).

Political parties aligned similarly to 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 Centre and important members of the Social Democratic Party worked alongside pro-life forces to maintain the ban on abortion. The PPD/PSD faced opposition from its own members but maintained its strength as an anti-abortion force under the leadership of Luís Marques Mendes, the head of party. The 2005 parliamentary elections reaffirmed the strength of the PS and PPD/PSD. The PS received 45 per cent of the vote and the PPD/PSD 28.7 per cent 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 José Sócrates 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 at the referendum (BBC 2007). The ability of the pro-choice side to mobilize young voters became quickly understood as a crucial measure to achieving a 50 per cent turnout.

On 11 February 2007, Portuguese voters were asked the same question as the 1998 referendum, '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?' (Sousa 2007). As shown in Table 1, the results of the referendum were as follows: 59.24 per cent of people voted 'yes' to legalize abortion while 40.76 per cent voted 'no', to keep the existing law (Marktest 2007). This time 56.4 per cent of eligible voters abstained from voting, which meant that although the people voted 'yes' in significant numbers, the vote was not validated because of the country's high abstention rate.

Table 1 indicates that the result of the referendum reveals a striking division between northern districts and southern districts. There were some important distinctions 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 likely to vote to legalize abortion. In the district of Lisbon, 71.47 per cent of Portuguese voted to legalize abortion.

Several explanations have been offered on why the abstention rate remained high. Some pointed to the rainy weather on the day of the referendum. Others suggested that the pressure from the Catholic Church on voters to abstain if they did not feel they could vote 'no' was successful. A third line of thinking was offered by Pedro Magalhães, 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' (Magalhães quoted in *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 Sócrates insisted that the reform movement would continue and a new law would be proposed in parliament.⁸ Sócrates' Socialist majority in the National Assembly, in alliance with progressive forces in parliament, supported the change. In April of 2007, Portugal's President, Aníbal Cavaco Silva, signed the abortion bill allowing abortion in the first ten weeks of pregnancy.

Conclusion

There are several important factors 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, the public sympathy given to women who were brought to trial over abortion between 1998 and 2007.

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 hurt efforts by other Socialist members to mobilize voters (*Economist* 2007). 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 José Sócrates used the promise of a new abortion referendum as part of his platform in that year's election, calling clandestine abortions 'a national disgrace' (Wise 2007). When Sócrates became Prime Minister, he scheduled a new referendum, and called upon Portugal to move toward more 'modern' customs.⁹ This strategy proved to be effective, especially for many Portuguese who compared their country with Spain, which has a much more liberal abortion law.

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 travelling to Badajoz, Spain to have abortions in the *Los Arcos* clinic each year. The fate of those Portuguese women who could not afford to travel to Spain for abortions was dire: many aborted in backstreet abortion clinics, causing many deaths each year (Wise 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 play, the results of the 2007 referendum were markedly different from just a decade earlier. In the 1998 referendum 48.7 per cent of Portuguese voted 'yes' to abortion but just a decade later 59.24 per cent of Portuguese voted 'yes.' Additionally, the abstention rate was much lower in the latter referendum, which also helped progressive forces.

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.¹⁰ Almost 50 per cent of baptized Catholics regularly attend

Mass, and the 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 & Mott 2006).

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.

Notes

- [1] 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 (Bilefsky 2007).
- [2] There were two trials in 1979. The first trial was of a journalist who produced a TV programme on abortion. He was tried for moral outrage. The second trial involved a student nurse who had an abortion (Vilar 2002).
- [3] 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) in 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 & Mott 2006).
- [4] 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 'Missa não é local de campanha. Há outros momentos', Rádio e Televisão de Portugal, available online at: <http://www.rtp.pt/index.php?article=266519&visual=16>
- [5] See 'Cardeal D. José Policarpo diz que aborto é uma atitude egoísta', PortugalDiário, available online at: <http://www.portugaldiario.iol.pt/noticia.php?id=764989>
- [6] 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' (Vilar quoted in *Irish Times*, 1998).

[7] Many protested about 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] well articulated 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' (BBC 2002).

[8] Sócrates faced opposition from Patriodo Popular leader, José Ribeiro e Castro, who claimed that 'Sócrates will be responsible for this sad chapter in Portugal's history, for insisting on a political move that has split Portuguese society' (Sócrates quoted in *The Toronto Star* 2007).

[9] By 2007, many European countries had adopted more liberal abortion laws leaving only four European countries without abortion on demand. Sócrates focused on the Portuguese people's desire to thrive among its other European neighbours.

[10] Apelo religioso não tem qualquer efeito no voto católico: Igreja Praticantes separam religião da política', PortugalDiário, available online at: http://www.portugaldiario.iol.pt/noticia.php?id=502368&div_id=291

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