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FEMINISM BY OTHER MEANS:
REFRAMING THE ABORTION DEBATE IN PORTUGAL

Margarite J. Whitten

University of Massachusetts Amherst
mjwhite@student.umass.edu
413.537.1198

ABSTRACT

On February 11, 2007, Portugal posed a referendum aimed at decriminalizing abortion and making it free on demand during the first ten weeks of pregnancy—the referendum passed. There was a noticeable shift in the arguments of the Yes campaign between the referendums in 1998 and 2007. Feminist discourse discussing women’s rights to control their own bodies was intentionally and explicitly excluded from the 2007 Yes campaigns after being blamed for the failure of the first referendum, even though the Yes campaigns lost by less than a 1% margin in 1998. The point is not that moderation necessarily won the referendum, but rather that extreme moderation was taken as a precaution against losing the referendum. I will discuss this decision from within the Portuguese feminist movement, analyze why certain discourses were used and others silenced, and suggest that the decision to excise traditional feminist discourse from the movement was a strategy used by feminists to achieve the goal of abortion reform.

[Portugal, abortion, feminism]

"Concorda com a despenalização da interrupção voluntária da gravidez, se realizada, por opção da mulher, nas 10 primeiras semanas, em estabelecimento de saúde legalmente autorizado?"

[Do you agree with the decriminalization of the voluntary interruption of pregnancy, to be realized as an option of the woman, in the first 10 weeks, in a legally authorized health establishment?] – 1998 & 2007 Referendum Question

WHEN FEMINIST SILENCE BRINGS CHANGE

The second Portuguese abortion referendum had been scheduled by October 2006 when Celina, a feminist who works in the NGO AJP (Action for Justice and Peace), attended a meeting on sexual and reproductive rights. Activists from all over the country and from multiple organizations were in attendance. Celina remembers the meeting erupting into debates: “one of the main worries was already what speech are we going to use and I recall we had a huge fight” (personal interview, 2007). Celina argued that abortion was about women, so the campaign needed feminist language such as the right to choose. Other attendees adamantly rejected this proposal, worrying that voters would turn against a campaign that utilized a feminist approach. They favored using two other arguments: women being imprisoned for having abortions, and clandestine abortion as an issue of public health. Celina agreed with the importance of these reasons, calling it “coherent, deep speech”, but resisted cutting out what she considered to be the bottom line: “the dignity of women and the right to choose” (personal interview, 2007). Attendants of the meeting decided that women in jail would be the primary argument. Celina countered that women being sent to jail for abortion was about not being able to choose, which stemmed from sexism.

But there was urgency in the notion that this was Portugal’s last chance to reform abortion laws. Celina was not the only person voicing the need for feminist arguments, yet like most other activists she yielded to the restrictions of the campaign. She agreed that moderation

might be the condition to win the referendum: “we had to have a more moderate speech because people are afraid of women and of feminism and of too much power to women.” But her compliance was not without reservations: “It got moderated, may be too much... we’ll see in the future what we lost with it, as a society and as a feminist movement” (personal interview, 2007).

Celina’s recounting of the restricted language of the 2007 campaign was not exaggerated. Walking through Lisbon in the weeks before the referendum, every Yes billboard and sign showed young women in negative situations: behind prison bars, being escorted from a building (presumably a courthouse) with their faces under a coat, or cowering on the floor with their heads in their hands. These images were accompanied by phrases containing the words “humiliation”, “shame”, “dignity” and “responsibility”; the first two words referred to the problem society and women faced (respectively), and the following two referred to the objectives that society and women desired (also respectively). The word *escolha* (choice) was only seen in graffiti, marginalized activism that was not supported by the Yes campaign; and the doctor’s *movimento* (approved movement group), which had the power of medical authority and a discourse devoid of feminist rhetoric to justify the word’s use.

This article examines the construction of the 2007 campaign language within the context of shifting public discourse of abortion reform in Portugal between the 1998 and 2007 referendums. I will discuss the agreement to moderate the campaign messages from within the Portuguese feminist movement, where the abortion reform movement was born and where silenced resistance to moderation was felt most strongly. Celina’s experience demonstrates the intentional exclusion of certain arguments deemed risky by the Yes movement. I will argue that these arguments as well as those identified as effective reveal how Yes campaigners imagined Portuguese society during the referendum. I contend that discourses of women’s imprisonment

and clandestine abortion were deemed culturally resonant in Portugal, whereas rights discourses were identified as radical and marginalized. Given the strong investment that the Portuguese feminist movement has had in abortion reform, I will argue that the decision to excise feminist language from the campaign and conform to resonant discourse was a strategy used by feminists to achieve the goal of reform at the cost of engaging the nation with feminist concerns.

SELF-IDENTIFICATION IN A SHIFTING CONTEXT

I chose to conduct my fieldwork primarily in Lisbon because, as a large city and the nation's capital, campaigns were bound to be active and visible. I conducted 18 interviews with Lisbon activists, four interviews from the university city of Coimbra, and one interview with an activist in Santarém, a village outside of Lisbon. I arrived two weeks before the referendum and stayed for four months. Opportunities for participant observation abounded in the weeks preceding the referendum. I attended a few events, such as a benefit concert for the Yes campaign, and met street demonstrators handing out pamphlets in front of metros and universities. Campaigners from both sides, mostly students under the age of 30, gave me pamphlets and contact information. I tracked the progression of the referendum in newspapers, primarily *Público*. On February 12th the referendum passed and the campaigning was over. Signs and stickers continued speaking about abortion months after the referendum passed, but the campaigners had dispersed.

After attending one post-referendum meeting of *Movimento Jovens Pelo Sim* (Youth for Yes) and interviewing one member, my access to the world of referendum campaigns temporarily ended as movement groups disbanded and activists returned to their own activist groups. But I was reintroduced a few weeks later when I received an email from Claudia, who in addition to being a feminist activist in UMAR (Union for Active and Responding Women), was

also a virtual secretary for the Yes campaign. She set me up with an interview with Manuela Tavares, a feminist academic and one of the Presidents of UMAR. Claudia and Manuela gave me oral histories of Portuguese feminism, provided me with books for my research, and gave me names and contact information for a few other activists. Most activists I interviewed directed me to another activist to interview. At the end of my time in Europe, I had conducted 27 interviews from members of: three of the five *movimentos*; UMAR; APF; the Left Bloc; Socialist Youth; pacifist and sexual freedom NGOs; an anonymous feminist collective organized through a blog; Catholic Student Movement; a few GLBT organizations; and the Vice President of the IPPF European Network (International Planned Parenthood Federation).ⁱ

Most of my informants identified as feminist and more than half were active in feminist organizations. After volunteering with UMAR's Elina Guimarães Documentation Center, I was invited to attend a Young Woman's Conference and a Woman's Conference held by the Portuguese Coordination of the World March of Women with the double role of researcher and UMAR volunteer. I was unable to establish relationships with activists from the No campaign, so all but one of my interviews were conducted with activists from the Yes campaign. Given the public nature of the movement, I was given consent to use the real names of most informants, but I refer to them by their first names whenever possible.

Prior to arriving in Lisbon two weeks before the 2007 referendum, I used feminist websites in tandem with online newspapers to prepare myself for the Portuguese abortion reform campaign. I had seen pictures of Portuguese feminist demonstrations in government buildings, a line of women each with one letter written on their shirts, collectively spelling *nós abortámos* (we have aborted). I had read about sexual rights groups helping to bring Women on Waves to Portugal, reigniting the public debate through controversial international attempts at intervention.

But wandering through the narrow cobblestone sidewalks in the beginning of February, it became immediately clear to me that the tactics used by the Yes campaign in Portugal were not what I expected, both as a feminist and reproductive and sexual rights activist from the United States, and as a researcher with cursory knowledge of the history of the Portuguese abortion reform movement. Choice had disappeared.

The American discourse supporting abortion is backed with rights claims to autonomous choice and self-ownership, the “pro-choice” position I identify with after two years of volunteering with Planned Parenthood. The consequences of illegal abortion that were once active parts of the American abortion debate have fallen out of the collective conscience of those of us raised in a post-Roe era. In some respects, the development of the debates in Portugal and the U.S. can be conceived as running opposite each other. In America, legalizing abortion began in the 1950’s as a doctors’ campaign that became a public campaign focused on the dangers of clandestine abortion in the 1960’s. A rights discourse brought the campaign into the next decade, arguing first for Equality (a resonant argument coinciding with the Civil Rights Movement) and finally for Choice, which is still the main rhetoric today (Condit 1990). In Portugal, the first pamphlet demanding “the right to unrestricted and free abortion” was released just nine days after the *25 de Abril*, the military coup that overthrew Salazar’s fascist regime in 1974 (Tavares 2003). Discussions of women’s rights to their bodies continued into the 1998 referendum. Finally, in the 2007 referendum, the abortion reform campaign focused on clandestine abortion and a doctors’ campaign. This analysis is too simple, however. The discourse in 1998 is commonly labeled radically feminist in discussions of rights and choice, even though the arguments that characterized the 2007 campaign were present and emphasized throughout the history of the abortion reform movement in Portugal.

Still, choice rhetoric was absent in 2007. As I entered the Portuguese feminist community, I questioned the abandonment of feminist principles in order to achieve the goal of abortion reform. Activists like Celina responded in ways I anticipated, venting frustration and anxiety about the pressure to moderate. But it was not the case that non-feminists were silencing feminists, or even that feminists were silencing themselves. They were selectively vocal, each campaigner conforming to the discourse deemed acceptable by the *movimentos*.

ESTADO NOVO & 25 DE ABRIL

The 1939 civil code of Salazar's fascist *Estado Novo* (New State) confined a woman's role in Portuguese society to mother and subservient wife (Tavares, 2000). The strong valorization of motherhood and heightened Churchⁱⁱ influence effectively silenced discourses of reproductive control. Censorship limited knowledge of Women's Movements internationally. On *25 de Abril* in 1974, a military coup overthrew Salazar's fascist regime. According to sociologist Virgínia Ferreira, the revolution "permitted legislative innovations to be introduced practically without opposition, in a climate which was largely consensual... Women, therefore, did not have to mobilize to defend themselves, except for the question of abortion"(1998). A year later, the women of MLM (Movement for the Liberation of Women) published *Aborto—Direito ao nosso corpo* (Abortion—The Right to Our Body), which was the first book about abortion to be published in Portugal. In the book, the authors write: "the decision to have an abortion is fit only to the pregnant woman that has (or ought to have) the human right of controlling her body" (Tavares 2003:18)ⁱⁱⁱ. From the very first, calls for abortion reform in Portugal identified abortion as a woman's human right to her body.

The argument expanded in the late 1970's, when journalist Maria Antónia Palla was tried for "indecent assault and incitement^{iv}" against the criminalization of abortion after writing and

airing a television report about the status of abortion in the country (Tavares, 2003:21). Women came together in solidarity with Palla, collecting five thousand signatures for the legalization of abortion and sending it to the Assembly of the Republic. Palla was acquitted. Conceição Massano, a young woman from Alentejo, was accused and tried for abortion after Palla. Several organizations, most with feminist identifications, came together to form CNAC (National Campaign for Abortion and Contraception) and launch a legalization campaign. Massano was also acquitted. Stories of women dying from clandestine abortion began appearing in publications, with the statistic of two thousand women dying annually from clandestine abortion. These events catalyzed several feminist and women's groups to take public positions supporting abortion, creating petitions for legalization, and publishing articles and books declaring their stance against the criminalization of abortion: it must be legal to preserve her rights, prevent her imprisonment, and save her life. (Tavares, 2004)

A LUTA CONTINUA!

The 1980's were characterized by the integration of abortion reform aims into the political agenda. In the early 1980's, feminist groups sent letters and held demonstrations in Parliament in addition to the public debate they were trying to maintain with publications. Winning the support of leftist parties such as the People's Democratic Union (now integrated into the Leftist Bloc) and the Portuguese Communist Party (PCP), projected laws to legalize abortion were repeatedly proposed in Parliament. In 1984, the first law making abortion legal passed, but only to protect the health of the woman, in cases of fetal abnormality, and in cases of rape. Though the first advance towards legalization, feminists protested the ruling, claiming that clandestine abortions would continue under the restrictive law with phrases like, "The law of the PS maintains clandestine abortion. The fight continues!" (Tavares 2004: 31)^v Despite

discontent, abortion fell out of the public and political realms until the 1990's.

In the early 1990's the Portuguese Family Planning Association launched MODAP (Opinion Movement for the Decriminalization of Abortion in Portugal), integrating several women's groups from leftist political parties, feminist groups, and The Portuguese Association of Women Jurists. In 1994 MODAP proposed a revised law to parliamentary commission that would permit abortion on demand in the first 12 weeks of pregnancy, and increase the time periods for the three cases in which abortion was already legal. In 1996, the PCP presented a projected law to the Parliament for abortion on demand to be legalized for the first 12 weeks of pregnancy. The Socialist Youth (JS) presented the same projected law a few months later. Over the next two years hospitals were investigated about the implementation of the 1984 law. Studies were published revealing that women had died in public hospitals after undergoing clandestine abortions, and confirming that the present law was not adequately addressing the problem. In 1997, UMAR (Union for Alternative and Responding Women) held a *Linha SOS/Aborto* (SOS Line/ Abortion) for ten days, where women called in to relate their experiences having clandestine abortions. In February MODAP collected fifteen thousand signatures supporting the projected law of PCP and JS, and it was voted on and rejected in Parliament.

One month later, a woman from Porto died from a clandestine abortion, influencing Parliament to hold another debate and vote on abortion reform. PCP and JS revised the projected law to allow abortion on demand in the first 10 weeks as opposed to the first 12 weeks (Tavares 2004). On February 5, 1998, the projected law was debated and ultimately approved. A few hours later, however, a compromise between the Prime Minister and the President of the Republic was revealed: the issue would be put to referendum. Campaigns were launched and at

the end of June the abortion reforms were voted down by a 1 percent margin, with an abstention rate of 68 percent. The results were upheld and the law remained the same (Freire & Baum; 2003a, 2003b).

INTRODUCING SHAME

The issue returned to the public arena in 2001 when seventeen women were tried in the village of Maia, the first site of the highly publicized trials that made Portugal famous for its restrictive abortion laws (Direito de Optar, 2002). During the next three years, fifteen women, three medical professionals, as well as numerous family members, were tried in Aveiro, Setubal, Lisbon, and Coimbra. None of the trials after Maia resulted in prison sentences. Nevertheless, in the words of the Portuguese activist and researcher Andrea Peniche, “the shameful and inhumane public exposition in which the trials threw these women was felt, by a great part of the population, as a collective violence” (2007: 47).^{vi}

Portugal became known as the only country in the European Union in which women were tried and jailed for having an abortion. In 2004 the Dutch organization Women On Waves came to Portugal by invitation from four non-governmental sexual rights and feminist groups (Não te Prives, Acção para a Justiça e Paz, UMAR and Clube Safo). Their arrival created an enormous stir in the country as the Prime Minister ordered two Navy ships to block the small, floating gynecological clinic from docking. Between the trials and the visit of the *barco do aborto* (abortion boat), politicians and feminist organizations continued to lobby for another referendum (Women On Waves, 2006).

Abortion in Portugal has become a political litmus test, as in the United States. Political parties gradually became more invested in the debate. A second referendum was finally re-cemented in the political agenda in 2005 when Socialist José Sócrates ran for Prime Minister,

promising to hold another abortion referendum if elected. In 2007, the Socialist party campaigned, posting billboards around Lisbon that read, “YES: Clandestine Abortion is a National Shame. Yes, The Responsible Vote.” The Left Bloc supported the Yes in both referendums, and in the weeks before the referendum I could not walk through Lisbon without seeing their purple bumper stickers on trashcans, walls, and poles, bearing the words, “Yes to End with the Humiliation.” The day after the referendum, the *Público* headline was one word printed so large it took up nearly a third of the page: Yes. The proposed reforms passed with 60 percent of the vote^{vii}.

FRAMING THE YES CAMPAIGN

The 1998 Yes campaign was led primarily by the approved movement group *Sim pela Tolerância*, so named to oppose the intolerance exhibited in demonstrations by groups associated with the Church. According to feminist academic Manuela Tavares, “the tactic of the *Movimento Sim pela Tolerância* centered on reproductive health and on illegal abortion as dramatic situations women lived through. The discourse of rights was not, in fact, the main tone of this campaign” (2003: 39)^{viii}. Though not the primary argument, reproductive rights were part of the campaign language. Lawyer and feminist activist Claudia, echoing the sentiments of many Yes campaign activists, believes that “the referendum in 1998 was more like a feminist approach. They used slogans like ‘I own my own belly’ and things like that and that didn’t work in a country such as Portugal at that time” (personal interview, 2007). On the other hand, Tavares notes that some criticized the 1998 *movimento* for lacking a strong feminist approach, and focusing instead on abortion as an issue of public health. The role of feminist discourse in the Portuguese abortion debate has been contested throughout public reform efforts. Though Tavares credits the loss of the referendum to the strength of the campaign led by the Catholic

Church, the indecisiveness of the Socialist Party, and a lack of a strong response by the Yes campaign to the arguments of the No campaign, she agreed to the importance of discourse moderation in the second referendum.

In 2007, the Yes campaign launched five *movimentos* to appeal to different constituents. These groups were *Movimento Cidadania e Responsabilidade pelo Sim*, *Movimento Jovens Pelo Sim*, *Medicos Pela Escolha*, *Movimento Voto Sim*, and *Em Movimento pelo Sim*^{ix}. The first three were the most active in Lisbon, and the informants I interviewed were from these groups. *Movimento Cidadania e Responsabilidade pelo Sim* was open to anyone, while *Movimento Jovens Pelo Sim* was aimed at younger voters between the ages of 18 and 30, and *Medicos Pela Escolha* was for medical professionals. To anyone observing the 2007 campaign, it was clear that the Yes had identified two problems that abortion reform would resolve: persecuting women for having abortions, and the public health issue^x resulting in clandestine abortion (Correia, 2007; Ribeiro & Fonseca, 2007). Unlike many reproductive rights movements (Ginsburg, 1998; Ginsburg & Rapp, 1995; Petchesky, 1990; Petchesky, 1995; Petchesky & Judd, 1998), reclamation of the female body was not present in Portugal in 2007. It was not until I began interviewing activists that I realized the lack of typical feminist discourse was intentional. In the beginning of the 2007 campaign, each *movimento* agreed to speak only of the two issues. This discourse moderation was identified in most of my interviews as central to the success of the 2007 Yes campaign.

RESTRAINING KILLER FEMINISTS—DEFINING MODERATION

The idea of moderated language was born of the notion that the 1998 referendum had been too radical. JPS activist André, who is studying the 1998 referendum, argued that,

...there was this general idea that the reason why the referendum was lost was because there were these killer feminists or something that had this really tough discourse...

through this 7 years that passed since 1998 almost all reflections... pointed to this idea that it was a radical movement last time, and that's not true.

The *Movimento Pela Tolerância* focused primarily on public health, however individuals campaigned freely. Critics then isolated the individuals with feminist campaign language and recast them as the main voices of the Yes campaign. Given the negative attention that any feminist rhetoric was given, its use was identified as a mistake. MCE member and JPS activist Rosa explains that, for the 2007 referendum, “we didn't want to be a feminist movement... because it was a mistake that we realized. It was too radical, no doubt. Because we had [other] arguments that were stronger than that, so it was no use to talk about ‘my body’” (personal interview, 2007). Feminist claims were often described as irrelevant to activists who did not identify as feminists, which helped the Yes campaign in deciding to use the strategy of moderation.

Victims became icons of the referendum, their narratives strategically inserted into campaign arguments and advertisements. The woman depicted in the Portuguese campaign leading up to the 1998 referendum had her stomach marked with slogans like ‘I own my own belly.’ In the 2007 campaign, she was replaced by a young woman behind bars. As politician and JPS activist José explains, moderation was a practical strategy:

The argument of the woman's right to her body doesn't settle the issue and it makes the issue an almost impossible discussion. The advantage of the discourse that we had during the campaign is that it was a wise discourse for most people. It was directed to dealing with a problem everybody knew was there and not to an ideological debate on the role of the female in society. So there was an interesting paradox in the Yes campaign which was the fact that women's and feminist movements were strongly involved in one of the most important feminist causes, especially here in Portugal, but they didn't have what we could call a traditional feminist discourse on the subject.

Though he identifies personally as a feminist, José took no objection to cutting feminist concerns out of the campaign. He called moderation an “old debate” that was settled before the

referendum, and said that even feminists who were unconvinced that feminist language lost the 1998 referendum acknowledged that moderation was the “best strategic option” (personal interview, 2007). According to José, including feminist discourse would make the referendum into an ideological debate that would jeopardize the outcome. To him, the main objective was winning the referendum, and engaging a conservative nation in a discussion of women’s role in society would not be effective.

Like José, most campaigners decided that winning the referendum was the ultimate goal, and that convincing the undecided was the best strategy. Once identified as impractical and even dangerous, feminist arguments and goals were marginalized in favor of a culturally resonant discourse.

Using the framing theories of sociologist Myra Marx Ferree, feminist arguments and goals were marginalized:

Framing is an interactive process that is inherently about inclusion and exclusion of ideas, so the choice of what ideas "the" movement endorses sets boundaries on its collective identity and on the definition of what losses would count as a movement failure. Choosing language that conforms to hegemonic discourse, feminists who want to be "effective" limit the range of claims that they consider "feminist" as well as drop certain goals as simply "unrealistic," rather than admitting they have lost this fight. (2003: 339-40)

In the case of Portugal, due to the pressure of a conservative hegemonic discourse, enforced largely by the Church and residues of a fascist regime, effectiveness hinged not only on the limitation of feminist claims, but on their exclusion entirely.

Using Ferree’s model of movement framing on Portuguese abortion reform, the loss of the Yes campaign in the 1998 referendum can be credited to a discourse that did not evoke common concerns, and was further weakened by invoking already marginalized feminist claims. Feminists in the Yes campaign were well aware of the gaps between their arguments and Portuguese society. CRS campaigner and Não te Prives activist Carolina explains that:

Most of us being a part of feminist movement... have some level of [consciousness] much higher than that of public health issue and the trials, but we... made that decision to moderate our language in order to get to the general public because not everyone... can understand these 'my body is my own' issues.

Feminism was not resonant even within the movement, as many Yes campaigners did not identify with feminist objectives. According to Ferree, "the use of a nonresonant frame is by definition radical" (2003:305), thus making the use of feminist arguments in 1998 radical simply because feminism was and remains marginal in Portuguese society. The No complaints about the 1998 Yes campaign led the Yes to reorganize their campaign to exclude any divisive language.

When asked why the feminist arguments failed in the first referendum, my informants often noted that feminist arguments rarely receive support in Portuguese society: "everywhere when we talk about feminist issues or gender issues... the traditionalists the conservatives, accuse us of being extremist and radical, so we knew that our biggest weapon would be to be moderate, be calm, and let them be the extremists" (Carolina, personal interview). By acknowledging the objections of the No campaign, the Yes campaign was able to identify what kind of language would appeal to more people. Sociologists Robert Benford and David Snow argue that "opposing framing activity can affect a movement's framings ... by frequently forcing it to develop and elaborate prognoses more clearly than otherwise might have been the case" (2000: 617). Yes activists saw that the arguments of public health and imprisonment were "powerful rhetorical element[s] for change because they [carried] strong emotional force without threatening core values, myths, or characterizations" (Condit, 1990:27). In this way, the moderated form of the Yes campaign was constructed to appeal to a wide spectrum of Portuguese society holding diverse ideological identities.

ANALYZING TRIALS

Trials were cited time and again in the media and personal interviews as being the main reason abortion reform continued to matter after the 1998 referendum. The discourse of women's imprisonment was effective because the trials were part of the society's collective conscience. The media, "made it clear that women were being held in prison for abortion and that's a big issue concerning Portuguese way of thinking, we really think prison is bad. Even the most conservative ones, they don't want women to go to jail" (Fabíola, personal interview). What is here characterized as a national repulsion for imprisonment may be related to decades of military rule in Portugal, and the arrest and imprisonment of political prisoners by the secret police during Salazar's regime (Gallagher, 1979). The abortion trials were compared to witch hunts in several interviews and in a Portuguese woman's testimony to the European Parliament (RFSU 2006:42), and the notion of a person being tracked down and arrested may have become culturally associated with the arrests made before 1974.

Though these trials are remembered for shaming and humiliating women, the reason they were so intense was in large part due to massive media coverage: the women's personal, sexual lives were broadcast across the country. The trials were highly publicized because feminists called news stations and requested publicity, attended every trial, and made the prosecution of the women known. Feminist publicizing of trials set up the change in general awareness in Portuguese society, leading to a sympathy and desire to change the law to prevent women's imprisonment. Portuguese feminists were actively constructing the discourse for the 2007 abortion referendum by publicizing the abortion trials. The Yes campaign focused on the "humiliation" of public trials, something that managed to achieve cultural resonance because of the wide media coverage. The trials showed the nation "the back street conditions, the stories of poor women who had to pay for their abortions with their wedding jewellery, the business side of

illegal abortions, the confessions made by frightened women to the police and so on” (Vilar, 2002:159). The idea of women being prosecuted for having an abortion was especially powerful because, according to my informants, everyone knew a woman who had an abortion.

Celina recalled a day campaigning in the small village near Pombal where she was born, encouraged by her mother who had only seen No campaign efforts in the village. As she was distributing leaflets in front of the church, people began crossing themselves, exclaiming that the devil had come. An older man approached her and demanded, “How can you defend abortion?” He scolded her, saying he had raised all of his children. She began to explain the main point on the leaflet—that women were being imprisoned for having abortions—but the man turned and left. Celina was still standing in front of the church fifteen minutes later when the man returned. He said, “Actually I was thinking... because I really don’t want women to go to jail. I have to solve this, give me a leaflet.” Celina told me that this man wouldn’t have had access to any discourse about abortion other than what he was exposed to in church (personal interview, 2007). The man Celina described is a model of the kind of voter the campaigns were trying to persuade.

In addition to creating a media stir nationally, Portugal’s abortion trials made international news. The European community has focused on the abortion policies of its Member States in recent years, and the European Court of Human Rights has held several trials in which women from countries such as Ireland and Poland have sued their own governments for violating their respective constitutional allowances for abortion in specific situations (European Court of Human Rights: *D. v. Ireland*, Application no. 26499/02 [2005]; *Tysiac v. Poland*, Application no. 5410/03 [2006]). Portugal has been linked with Ireland, Poland and Malta for its abortion restrictions, and distinguished as the country that tries and imprisons women for having

abortions. The European Parliament voted in favor of a resolution in 2002 discussing the practice of abortion in the EU. The thirteenth piece of the resolution “calls upon the governments of the Member States and the candidate countries to refrain in any case from prosecuting women who have undergone illegal abortions” (IPPF EN 2002:2). This recommendation, along with similar international directives, was brushed off in my interviews as unimportant to the opinions and voting practices of Portuguese citizens. A few informants noted, however, that such attention probably influenced the Portuguese government officials more. In 2005, the European Parliament held a hearing to discuss exerting EU pressure on Member States with restrictive abortion laws. Anne Van Lancker, the MEP (Member of the European Parliament) from Belgium who authored the 2002 resolution, said during the hearing that, “We should name and shame those countries in the EU that are very restrictive on abortion” (RFSU 2006:16). European representatives identified the situation of abortion in Portugal as a cause for national shame, a statement echoed in the campaign materials distributed by the Portuguese Socialist Party.

The analysis of shame reversal by feminist historian Temma Kaplan clarifies how the trials went from humiliating women to humiliating the nation. In Kaplan’s research on the treatment of political prisoners in the Chilean dictatorship, Ayress, a woman who published a testimony of her experience was able to reverse the shame of her treatment. The Chilean government’s intention of silencing dissenters through shame succeeded, as most former prisoners never discussed what they were subjected to in jail. Similarly, the illegality and cultural shame associated with having a clandestine abortion silenced women. Ayress was criticized and threatened for exposing her treatment by the government but, “by detailing the atrocities committed against Ayress, they reversed the shame, turning it back on the Chilean

dictatorship where it belonged" (Kaplan 2002). When feminists brought media into the courtrooms, they showed the country and the world that women were being tried and imprisoned in Portugal for having abortions. The local shame of abortion trials ultimately shamed Portugal nationally and internationally through media coverage.

ANALYZING PUBLIC HEALTH

One of the first articles I read after arriving in Lisbon in February was “Morrer e Calar”, which translates to “To Die and To Keep Silent.” Maria Teresa went to a nurse’s home to receive an abortion, and died of a punctured uterus as an ambulance arrived. Her husband Henrique explained that a tuberculosis medication interfered with the effectiveness of her birth control. Having three children already and a modest income, they decided to abort. They had tried to obtain an abortion in a hospital, but were turned away. The article goes on to describe the tragic death of Maria Ester, a woman who lived in poverty with her husband and two young children. When she became pregnant for the third time she went to a midwife for an abortion, a procedure done with an unsterilized *pauzinho de videria* (grapevine twig), resulting in severe hemorrhaging and causing Maria Ester to go into shock and die. A third woman, anonymous because she was 14 years old, died of a self-induced abortion after ingesting 64 misoprostol pills, which caused lesions along her digestive tract. The women in these stories are portrayed as good women (usually mothers) in bad circumstances. These narratives are similar to the ones told during reform efforts in the U.S. in the 1950’s and 1960’s (Condit 1990).

Prior to reform, it was common for Portuguese women with more resources to travel to E.U. countries where abortion was more accessible. During my interviews, I was told that everyone knew a woman who had traveled to Spain or England for an abortion. In addition to leaving the country, “[Portuguese women] have discovered, also, misoprostol, the active

ingredient of ulcer pills, with abortive properties, that have come to be sold in the black market—in some neighborhoods of Lisbon it is possible to buy a pill for 25 euros”^{xi} (Ribeiro & Fonseca, 46). The abortive medication misoprostol is also easier to access through the Internet. If a woman visits the Women on Waves website, for example, she will immediately see a link to licensed doctors who will consult the woman online and then ship the medications to her home. This service is for women living in countries where abortion is illegal or difficult to obtain. Even so, as discussed earlier, self-performing medical abortion can be dangerous. According to the *Direcção-Geral de Saúde* (General Directorate of Health), 3,216 women were hospitalized in 2005 for complications with partial abortions after self-medicating with misoprostol (Ribeiro & Fonseca, 46).

Medicos Pela Escolha (Doctors For Choice—MPE) described such cases in the 2007 campaign. Like the other movements, *Medicos* began by discussing the abortion trials that women were subjected to, but their focus shifted to clandestine abortion towards the end of the campaign. Pedro, a doctor active in the movement, attributed this change to the repetitive use of trial arguments, and to the No campaign response suggesting that abortion be decriminalized but remain illegal. The Yes response, Pedro said, was to begin “talking about non-legal abortion, women that were dying in Portugal; we brought cases, real cases of women that died of non-legal abortion in Portugal. We talked about the numbers” (personal interview, 2007). Sérgio, a journalist who acted as the publicist for *Medicos*, reiterated this shift: “It was very crude, but this is it. Dead women. Let’s get cases, let’s show them this girl died [at] 13 or 16 years old because she had an illegal abortion” (personal interview, 2007). Pictures of the women who had died began to appear on campaign websites and in popular magazines. These cases were meant to elicit a visceral response against clandestine abortion, reemphasizing the urgency of reform.

The significance of the 2007 doctors' *movimento* is grounded in the cultural notion of doctors as right-wing and thus associated with the principles of the No campaign. This depiction was accurate, as José explains, because “the mainstream discourse from medical professionals was anti-choice and it was very difficult to get health care professionals to get involved [in the past]” (personal interview, 2007). Doctors began to organize for abortion reform in 2004 after the visit of WOW recharged the public debate. Pedro reasons that it was good for doctors to become involved in reform efforts because it imbued the campaign with scientific information: “this campaign was mainly discussing the importance of medicine and science, what we know about the fetus, what we know about the mother, what we know about the numbers of clandestine abortion and how bad it was for Portuguese women” (personal interview, 2007). Such information was portrayed as objective fact from doctors to voters, however voters were reminded of the partial nature of the campaign as voting yes on the referendum was proposed as the solution for clandestine abortion.

Several campaigners identified this relationship as the main reason the *Medicos* campaign was effective. Sérgio explained that, unlike the other campaigns, a representative of *Medicos* was “not only a person giving an opinion, [but] a doctor, an expert, speaking on something that’s considered a health and a medical problem... There’s this unreasonable respect for doctors in Portugal... and in this case we used it” (personal interview, 2007). *Medicos* campaigned in their professional attire, wearing white coats in advertisements and debates. The medical nature of the referendum was confirmed in the question being posed, which specified that abortions would be carried out in legally authorized health institutions. The medicalization of the campaign discourse maximized the power that *Medicos* held in Portuguese society. Their cultural power became biopower when it was combined with their claim to expert knowledge (Foucault 1990),

allowing *Medicos* to regulate health policy by exerting their influence over voters. Inês compared this authority to that of the Church: “as a priest is sacred, also a doctor is sacred in this society” (personal interview, 2007). As the scientific authority of medical professionals permeated the moral authority held by the Church, the two powers vied for influence. The *Medicos* arguments helped structure the framework of the Yes campaign; both the arguments that could be used effectively, and the arguments that would be silenced to strengthen resonant voices.

SILENCES

I interviewed Mariana in a café in the university where she works as a researcher. During our conversation she explained her frustrations with the framing of the 2007 Yes campaign, and outlined the arguments that she was forbade to use: the limitation of 10 weeks for legal abortion; being forced to carry an unwanted pregnancy to term as violence; sexuality and feminism; and family. Examining these arguments and, “looking at which speakers are discursively marginalized and the strategic risks they represent to the movement provides important clues to the power relations institutionalized in the in the hegemonic framing of issues” (Ferree 2003: 305). Mariana was one of the few campaigners who spoke at length about what the campaign discourse was lacking, and though the arguments presented here cannot necessarily be applied to other activists, many of her concerns were echoed in other interviews. The concerns outlined here by no means encompass all of the silences that this campaign created.

The referendum question stipulated that if it passed, abortion would be legal within the first ten weeks of pregnancy. This time limit “completely defeats the purpose if... it is used against women in the end. So what happens if you decide not to have a child when you are 16 weeks pregnant, are you a criminal?” (personal interview, 2007) The restriction of ten weeks to

decide to abort was considered insufficient both because it restricts women's ability to choose and because it is hypocritical to allow abortion one week and imprison a woman for it the next. The penalty for clandestine abortions after the new law is implemented remains unclear. The Yes campaign made their arguments within the frame of the 10 weeks provision, which often led to the implication that abortion after this point could be considered immoral and should be illegal. But moderation silenced these questions to play to the conservative audience they meant to influence, which was achieved by making and reinforcing a conservative framework for reform.

Being a single mother, Mariana intimately knew the experience of pregnancy, but she was disallowed from talking about it. One of the arguments that she wanted most strongly to speak of was that having to continue an unwanted pregnancy "was like being raped because being pregnant subtly tears you apart. I didn't own my body for like 9 months and the first 5 were hell... if I had been forced to keep [an unwanted] child it would be a violent thing for me, but I could never say that" (personal interview, 2007). This is a common feminist argument (Petchesky 1990, 1995) in defending abortion, which helps to explain why it was not allowed in the campaign. Language of owning one's own body was explicitly banned, marking such discussions of pregnancy unusable in the campaign. Even the word 'belly' was excised from the discourse.

Silenced language took on new meaning through the process of campaigning: "The fact that we couldn't use the word feminism, the fact that we couldn't use the word sex made them sound like dirty words to people whom they weren't dirty words before." The campaign selectively rejected biological and social connections to abortion that would not resonate with conservative voters. Pregnancy was not discussed as a result of sex; abortion was not discussed

as a result of unwanted pregnancy; and feminist goals were not discussed at all, even in the context of legalizing abortion. Furthermore, the conservative restrictions placed on the campaign discourse caused campaigners to envision their objectives within the strict framework, transforming even their personal understandings of abortion into something deviant and bad.

Sex and feminism were not the only subjects to elicit feelings of taboo. Mariana “wasn’t considered a proper mom to speak because [she is] deviant... anything that was against the conservative status quo was considered bad... As a mother [she] was disregarded because [she] thought about having an abortion.” Speakers considered deviant—such as single mothers, feminists, and GLBT— were silenced in any way that related to those identities. Becoming a mother outside of marriage and seriously considering abortion before deciding to continue her pregnancy disqualified Mariana. This silence reinforced the notion of legitimate mothers as married women who desire their pregnancies.

The power relations present in restricting these silenced discourses are patriarchal and conservative, representing a morality reminiscent of Salazar’s regime. Women are supposed to be married with children, distancing single women considering abortion from their reproductive bodies and the social pressures that would inform their decisions. As we have seen, these women are taken out of their own situations and superimposed into courtrooms and coffins. Women outside these situations were not represented in the campaign, signifying the utilitarian method the campaign adopted with the one-track goal of passing the referendum into law; if arguments were not resonant and thus useful, they were excluded.

CONCLUSION

As opposed to the first referendum in 1998, feminist language was moderated and nonresonant concerns were marginalized in the 2007 Yes campaign. The arguments that

abortion reform would stop women from being tried and imprisoned, and stop women from dying of clandestine abortions were deemed resonant and used exclusively by the campaign *movimentos*. The public nature of the abortion trials caused the shame of the women's exposure to be reversed onto the Portuguese government and society, and cemented this shame into the collective conscience of Portuguese citizens. The medical authority imposed by the *Medicos movimento* lent legitimacy to the campaign, and stories of women who had died as a result of clandestine abortion reinforced the urgency of reform. Campaigners identified Portuguese society as patriarchal and conservative, causing the campaign to exclude arguments that could be construed as liberal, feminist, non-normative, or deviant. With these guidelines, what had always been an important feminist issue was reframed in a non-feminist context. Though many concerns remain unaddressed concerning the future of the Portuguese feminist movement and further progress in women's rights, many feminists considered the passing referendum as a win for the feminist movement.

In the words of teacher and UMAR President Almerinda, "What had to do with our reproductive and sexual rights was still something that had to do with the 25th of April... after the 11th of February we said that the 25th of April had arrived for us with regards to our feminist rights." Despite the fact that feminist discourse was excluded by the emphasis on moderation, the goal of abortion reform was finally achieved. Feminist academic Manuela sees future strength and progress in the feminist movement: "the result was the best thing for women, and more struggles will be made in the future because we had lots of defeats before and this result gives [the feminism movement] a lot more energy." Despite such optimism, Celina's worries remain audible: "It got moderated, maybe too much... we'll see in the future what we lost with it as a society and as a feminist movement."

It remains unclear whether full exclusion of feminist aims was necessary to win the referendum. The first referendum only lost by a 1% margin, while the referendum in 2007 passed by 9%, and abstention fell from 68% to 56% between the two referendums (Público, 2007:19). It is impossible at this point to claim that the rise in voters is directly caused by or even significantly correlated to the altered discourse. There are several other factors that need to be examined before any conclusive statements can be made about the actual significance of excising feminist language from the campaign on the increase in positive votes in 2007. Further research is necessary to properly analyze the significance of various societal changes in Portugal between 1998 and 2007 on the outcome of the 2007 referendum, such as: public interest in abortion reform; general awareness of the state and affects of abortion in the country; internet campaigns; international pressures; fall of Church influence; political shifts; an increase in Youth participation; the participation of GLBT movements; and even the weather on voting day. More research is also necessary to see the gains and losses that moderation may cause within the feminist movement in Portugal, and the significance of moderation as a campaign strategy, particularly as MEPs have begun organizing to alter the focus of abortion legalization from public health to human rights.

APPENDIX

Abbr.	Organization	Translation & Definition
CRS	Movimento Cidadania e Responsabilidade pelo Sim	Movement of Citizenship and Responsibility for Yes: Movement group for referendum, mostly PCP
JPS	Movimento Jovens Pelo Sim	Youth Movement for Yes: Movement group for the referendum, citizens ages 18-30
MPE	Movimento Medicos Pela Escolha	Doctors' Movement for Choice: Movement group for the referendum
UMAR	União de Mulheres Alternativa e Resposta	Union of Alternative and Responding Women: oldest still-extant feminist organization
MCE	Movimento Católicos Estudantes	Catholic Student Movement: Student discussion and activist group.
PS	Partida Socialista	Socialist Party
BE	Bloco de Esquerda	Left Bloc
Panteras	Panteras de Rosa	Pink Panthers: radical GLBT organization
CS	Clube Safo	Disembarrassment Club: GLBT organization
PPDM	Plataforma Portuguesa para os Direitos das Mulheres	Portuguese Platform for Women's Rights
PCP	Partida Communista Portuguesa	Portuguese Communist Party
NTP	Não te Prives	Don't Deprive Yourself: Sexual Rights organization
AJP	Acção para a Justiça e Paz	Action Justice and Peace: Pacifist and Feminist organization

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ⁱ See Appendix

ⁱⁱ Church, when capitalized, refers to the institution of the Catholic Church.

ⁱⁱⁱ Translated from: “a decisão de fazer um aborto é cabe apenas à mulher grávida que tem (ou devia ter) o direito humano de controlar o seu corpo e dele fazer o uso que entender” All translations mine unless otherwise noted.

^{iv} Translated from “*será processada por atentado ao pudor e incitamento ao crime.*”

^v Translated from ““Lei do PS mantém aborto-clandestino. A luta continua!””

^{vi} Translated from, “A exposição pública, vexatória e desumana em que os julgamentos lançaram estas mulheres foram sentidas, por grande parte da população, como uma violência colectiva”

^{vii} Technically, the referendum did not pass automatically because more than 50% of the population abstained from voting. However, Parliament and the President upheld the results of the vote.

^{viii} Translated from, “A tática do Movimento Sim pela Tolerância centrou-se na saúde reprodutiva e no aborto ilegal como situação dramática vivida pelas mulheres. O discurso dos direitos não foi, de facto, a tónica principal desta campanha.”

^{ix} See Appendix for translations and descriptions

^x Abortion has been framed as a public health issue both within Portugal by the APF and the government, and throughout the EU by the European Parliament (RFSU 2006).

^{xi} Translated from “Descobriram, também, o misoprostol, princípio activo de comprimidos para a úlcera, com propriedades abortivas, que passaram a ser vendidos no mercado negro—em alguns barrios de Lisboa é possível comprar um comprimido por 25 euros”