

# Shunning Direct Intervention: Explaining the Exceptional Behaviour of the Portuguese church Hierarchy in Morality Politics

by MADALENA MEYER RESENDE (FCSH-UNL and IPRI-UNL) and ANJA HENNIG (European University Viadrina)

## Abstract

Why are the Catholic churches in most European countries politically active in relevant morality policy issues while the Portuguese hierarchy has remained reserved during mobilizing debates such as abortion and same-sex marriage, whose laws' recent changes go against Catholic beliefs?

The explanation could be institutional, as the fairly recent Portuguese transition to democracy dramatically changed the role attributed to the church by the former regimes. However, in Spain – whose case is similar to Portugal in matters of timing and political conditions – the hierarchy's behaviour is different. This begs the question: what elements explain the exceptionality of the Portuguese case? This article shows that the Portuguese case illustrates an element usually not emphasized in the literature: the ideological inclination of the church elites. The article thus concludes that institutional access is a necessary, but not a sufficient, condition for the church to directly intervene in morality policy processes. A church may have access to influence political decision makers but, for ideological reasons, may be unwilling to use it.

**Keywords:** Portugal, morality policy, Catholic church, Vatican Council II, abortion, gay-marriage, ideology, historical institutionalism

## Introduction

The recent debate in the Portuguese parliament (July 2015) about restricting the 2007 liberalized abortion law in Portugal revealed a novum in the context of Portuguese morality policy: the Cardinal Patriarch of Lisbon, Manuel Clemente, showed a clear intention to intervene directly in a moral-political process, unlike his predecessors (*Publico* 2013; Campo 2015). This stance contrasts with the former Cardinal Patriarch José Policarpo's political strategy during the 2007 referendums on liberalization of abortion and the 2010 implementation of a law regulating same-sex marriage. He preached and implemented a doctrine forbidding clerical direct intervention in the moral-political processes that de-linked

the church from the policy-making arena. As we will show, up until 2013, the Portuguese hierarchy showed great restraint during the process of moral-political liberalization.

From a comparative perspective on morality policy change in Catholic Europe, the Portuguese legal changes in the fields of abortion and same-sex-marriage confirm a common trend towards more permissive laws in the morality policy arena. Civil society also seems to be more open to these legal changes towards more permissive legislation. The aforementioned behaviour of the Portuguese church, however, is exceptional. While in Poland, Italy, Spain, Ireland, and France, the church hierarchies intervened directly over leading policy makers and political elites in the liber-

alization of abortion (Poland, Spain), attempting to restrict the law of in vitro fertilisation (Italy) and legalising same-sex partnerships (Poland, Italy, Spain, Ireland, France), (Hennig 2012; Grzymala-Busse 2015) the Catholic church in Portugal did not directly intervene in the political arena. This meant that neither political parties nor the grass-roots pro-life movements received support from the Portuguese Episcopal Conference and the Cardinal Patriarch during the 1998-2010 period. The contrasting political strategies of the Spanish and the Portuguese Catholic hierarchies, however, are particularly puzzling, especially considering their historically similar church-state relations.

Against this backdrop, we aim to explain why the Portuguese hierarchy avoided direct intervention during these crucial morality policy processes. The literature on the Catholic church in moral policy processes focuses both on the church as a political actor that directly influences policy (Engeli, Green-Pedersen, and Larsen 2013; Knill, Preidel, and Nebel 2014) and the church's search for alliances with political forces (see Kalyvas 1996; Gould 1999; Hennig 2012). However, this literature has been less inclined to explain why church hierarchies sometimes choose to abstain from direct intervention in the political arena, limiting their action to influencing individual consciences. Church non-intervention in moral policy debates, if acknowledged, is taken to be the consequence of their lack of power to influence decision makers, rather than being an ideologically informed choice from the hierarchy (see Warner 2000; Grzymala-Busse 2015).

However, the liberal church doctrine, derived from the Vatican Council II's *Dignitatis Humanae* declaration, proclaims that the church should stay clear of imposing religious-based moral norms onto secular law, for example in moral-policy debates (see Christians 2006). It is, thus, relevant to question if and where this doctrine influenced national hierarchies and how they conceive their political strategy in the context of liberal democracies, and whether the Catholic church is not just a passive subject of secu-

larization, but also its agent, in the sense that it self-limits the scope of clerical authority in the context of liberal democracies.<sup>1</sup>

The first explanation proposed here follows historical-institutionalist arguments, which consider the church's political strategies as contingent upon the structure of institutional opportunities created at moments of political transition. Following this path, one would argue that the 1974-75 revolutionary transition to democracy resulted both in a loss of the church's institutional access to decision-making bodies and this political transition was uncondusive to the establishment of a stable alliance between the Portuguese hierarchy and political parties. The lack of reliable political partners in the political sphere would result in a distancing between the Episcopate and the political arena. The second explanation is an actor-centred approach focusing on the ideology (Freedon 1996) or the beliefs system of the hierarchy (Sartori 1969). Pursuing this explanation, we would argue that the ideological orientation of the Portuguese Cardinal Patriarch and a majority of the bishops bears an important impact on the decision not to intervene in the moral policy transformations.

The article proceeds in three steps. It first locates the case study within the literature on comparative analysis of morality politics. The second section will proceed with an analytical narrative of church behaviour based on a non-exhaustive analysis of the official documents of the Episcopate and the Patriarchate, the pronouncements during the referendum campaigns as well as a reconstruction of the policy processes through an analysis of the press and the secondary literature. The narrative uses the collected evidence to classify church behaviour according to the categories of church direct and indirect intervention in the political arena during the periods of politicization of abortion and same-sex marriage. We will then differentiate the church's direct intervention in the political arena from its indirect influence over public

<sup>1</sup> For a debate on the secularisation of the ecclesiastic sphere, see (Perez-Diaz 1991: 62-65).

opinion, concluding that, while the Portuguese hierarchy did not give up the latter, it did not pursue a strategy of direct intervention. Last, tracing both the ideological orientation and the lack of institutional opportunities, the article considers the weight of these factors to explain the outcome described.

### **Catholic church and Morality Policies**

Morality policy is considered a political arena in which conflicts merely arise regarding the regulation or distribution of moral values and not of material goods (Mooney 2001; Haider-Markel and Meier 1996).<sup>2</sup> Within the debate about what counts as morality policy (Heichel, Knill, and Schmitt 2013) we refer to a narrow definition which focuses on fundamental questions about family, gender-roles, and life and death matters (Gutmann and Thompson 1997). When morality policy changes towards a set of more permissive rules in these fields, it epitomizes certain effects of modernization and secularization hitting at the core of religious concerns. This results in political and societal contention. The most prominent conflicts concern the political regulation of abortion, artificial fertilization and same-sex-marriage. In a liberal understanding, these controversies are characterized by the incommensurability of values, which makes reaching a compromise between cultural conservatives or “pro-life” and cultural liberal or “pro-choice” positions almost impossible (Gutmann and Thompson 1997).

In Europe, social scientists have only recently begun to apply the moral-political lenses to understand cross-national patterns of contention among the mentioned core issues of morality policy and to explain different legal regulations in similar states. Among the few uncontested factors affecting morality policy processes we see: the strategies of religious actors, the denominational heritage of a state, the patterns of church-state relations and the impact of reli-

giosity on voting behaviour (Hennig 2012; Engeli, Green-Pedersen, and Larsen 2013; Knill 2013; Minkenberg 2003).<sup>3</sup>

Several studies have shown the impact of the Catholic church on moral policies in Catholic-majority countries to be somewhat paradoxical. If the Catholic church’s opposition to processes of liberalisation of moral policies, on the one hand, has delayed the adoption of more permissive laws in some countries (Knill, Preidel, and Nebel 2014), then, on the other hand, once policy change is under way, the issues become more politicised and liberalisation goes further and faster (Engeli, Green-Pedersen, and Larsen 2013). Grzymala-Busse’s analysis of the success of the Catholic church in determining policy processes (morality issues, education, clerical privileges) considers that the un-mediated institutional access to policy-makers appears a more successful strategy to influence policy than alliances with political parties (Grzymala-Busse 2015).

However, none of these approaches considers the relevance of the ideological orientation of national hierarchies for their strategy in influencing policy. We instead argue that although the church’s calculations linked to power and authority may be an important determinant of its political strategy, the ideological orientation of national hierarchies, in particular their openness to liberal understandings of Vatican Council II’s doctrines, can in some cases be an overriding determinant of political strategies. In other words, we argue that institutional access is a necessary, but not a sufficient condition for church intervention in morality policy processes. A church may have access to influence political decision makers but, for ideological reasons, be unwilling to use it. As we will show, an ideological predisposition not to intervene is sufficient to determine church behaviour. Drawing on the distinction between the strategic and the ideologi-

<sup>2</sup> Although political regulations on bioethics may include also economic interests, morality policy is more about the re-distribution of non-material values (Lowi 1964; Studlar 2001).

<sup>3</sup> Recent studies also show how political opportunity structures such as unstable political coalitions or a fragmented party-system decisively determine the success of religious actors (Hennig 2012; Knill, Preidel, and Nebel 2014).

cal basis of political action, we thus propose two non-exclusive causal paths which we will explore more thoroughly in the following section.

### **Explanatory pathways: Institutional access and ideological orientation**

The first explanatory pathway considers the church as an interest group that strives for political influence in vital issues and calculates its intervention in terms of costs and benefits (see Warner 2000). According to this literature, national hierarchies' access to policy makers or long-term alliances with political parties and party minorities, may condition the church's strategy of intervention in the political arena during processes of moral policy change (Hennig 2012; Knill, Preidel and Nebel 2014). If the hierarchy's links to political parties are weak and its institutional access to policy-making processes is limited, the hierarchy will consider costs of intervention as high and this will likely result in the church maintaining a low profile rather than attempting to intervene and lose authority. On the contrary, if there are established links between the church and political parties or established access to policy makers, the cost of intervention is lower and intervention more likely (see Grzymala-Busse 2015). To assess the institutional access and alliances with political parties of the Portuguese hierarchy we will analyse the historical roots of the establishment of new relation during the revolutionary transition, and how this process occurred.

The ideological orientation of the hierarchies illustrates a second pathway that explains the decision to intervene in moral policy processes. Following scholars that incorporated elements of actor-centred analysis to explain the politicization of religious identities (Gould 1999; Kalyvas 1996), we will look at the predominant ideological inclination of the prelates at the top of the hierarchy, considering the ideological background of an individual a "set of beliefs according to which individuals navigate and orient themselves in the sea of politics" (Sartori 1969: 400).

In this context, the hierarchies of the national Catholic churches are specific societal actors,

composed by the Episcopal Conference and the leader of the clergy, the Bishop of the country's siege. These two components have different roles and weights in the hierarchy: The Episcopal Conference is composed by the bishops of all the country's dioceses organized in a permanent council. Every four years a new president is elected (Denzler, Andersen 2003: 352-357). However, and although the Episcopal Conference has an important role in confirming and supporting the decisions of political relevance, the Conference's pluralistic composition and consensual style of decision making results in it having a representative rather than executive role (see Martin and Bourdieu 1982). The other – at the helm of church's relations with the political arena – is, in this case, the Patriarch of Lisbon. His powers vary according to his theological authority over the remaining bishops, but in the end, he is the executive element in the hierarchy. This explains why, despite internal pluralism, church hierarchies mostly follow a single strategy in moral-political debates, as the cases of Portugal, Spain, Italy and Poland demonstrate (Hennig 2012).

The Catholic church hierarchies have had to respond to the trends of democratization, increasing the value of pluralism and secularization. For Portugal, opinion polls show that the number of Catholic believers has been in decline since the 1970s (see Catroga 2006: 234), and studies for the period between 1999 and 2011 show a decrease in population from 86.9% to 79.5%. The same study reveals that religious practice has declined to 36.2% (participation in a religious act at least once a week) (Teixeira 2012: 1). Although, in comparison with the rest of Catholic Europe, the Portuguese population scores are relatively high in all levels of religiosity<sup>4</sup>, and religious plu-

<sup>4</sup> The European Social Survey gives us an idea of Portuguese attitudes towards religion and the church. In 2008, in a scale of 1 (not religious) to 4 (very religious), respondents scored an average of 2,8 (at a part with Italy, also with 2,8 and higher than Spain). In terms of church attendance, in a scale of 1 (never) to 7 (everyday) the average in 2008 was 3,2, the same as in Italy and higher than Spain (2,4). The level of trust in the church is also relatively high. In a scale of 1 (very

ralism is relatively low (Vilaça 1999), decreasing religiosity in Portugal is a challenge for the church hierarchy. Of particular relevance is the decline of church influence over the popular attitudes regarding moral policy issues, such as more permissive legislation on same-sex marriage and abortion (Vilaça and Oliveira 2015a: 130),

As part of our analysis we will consider the different ways in which the Catholic church decides to intervene in moral policy debates. Whereas the church doctrine regarding many of these moral issues is undisputed (e.g. abortion, same-sex marriage), there are different positions among Catholic prelates in the debate on the justness of church intervention in the political processes to impose religious inspired stances on secular law (Christians 2006).<sup>5</sup> Liberal interpretations of the Vatican Council II doctrine deem religious-inspired moral norms, such as the prohibition of abortion, to be within the reserve of religious freedom, and thus considers that the hierarchy and the clergy should not fight for their inclusion into secular law. By contrast, the conservative stance, explicitly formulated by Cardinal Ratzinger in the 2002 *Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life* (Congregation for the Doctrine of the Faith 2002), takes the prohibition of abortion and other morality policies to be part of an “objective moral order and therefore to be the duty of the church to intervene for their translation into secular law” (Christians 2006).

We argue that the different doctrinal positions taken by liberal or conservative church leadership is a sufficient condition to explain different strategies of intervention during morality policy processes. Thus, our hypothesis is that the Por-

low) to 4 (very high), the Portuguese score 2,8, higher than Italians (2,6) and Spanish (2,1) (European Social Survey 2014).

<sup>5</sup> The Vatican Council II provoked a significant shift in attitude in the church’s relation with political power. This change is visible in the translation of the doctrine on religious freedom on the drafting of concordats and constitutions (Minnerath 1997), and in the Vatican’s reserve in supporting efforts to establish confessional parties in new democracies (Perez-Diaz 1991; Linz 1991).

tuguese liberal Catholic hierarchy between 1998 and 2013 would tend not to intervene directly in the political arena to impose the Catholic view on moral issues nor to prevent the liberalisation of morality policies because it considers this intervention as inherently against the mandate of the church. By contrast, a doctrinally conservative clergy is normatively in favour of intervening to fulfil the church mission of protecting objective moral norms.

### **Shunning direct intervention: The Portuguese church in morality politics**

Following the previous comparative analyses (Hennig 2012; Enyedi 2003; Hennig forthcoming), we distinguished two church strategies during moral policy processes: the first is a strategy of direct intervention in the political arena, while the second is one of indirect intervention. Examples of the church’s direct intervention in policy processes implies explicitly addressing political actors. A recent example is the Spanish hierarchy, which appealed to the conservative government to proceed with its paused project to restrict the abortion law (Hennig and Meyer-Resende 2016 forthcoming). Another way of direct intervention would be to actively campaign for/in a referendum as the Italian Cardinal Ruini did when he launched a “no vote” campaign in order to make the referendum on a more liberal law concerning assisted reproduction fail (Hennig 2012: 322-3). Other examples are the support of political parties’ efforts at determining the outcome of the policy process, clerical ex-pulpit political pronouncements in support of one of the outcomes, and clerical orientations to policy makers.

Clerical indirect influence over the policy process may include efforts to influence individual consciences through mobilization and/or support of societal protest against permissive laws, clarification sessions, and doctrinal pronouncements over the moral dilemma at stake. Taking these different strategies in consideration, this section illustrates how the Portuguese church hierarchy avoided direct intervention into the political arena with regard to the mentioned con-



flicts on abortion and same-sex marriage, and restricted itself to only few indirect interventions.

#### *Liberalisation of the abortion law*

In Portugal, the liberalization of abortion was an important topic for the left since the 1974 transition. In 1984, the Socialist Party (PS) supported a reform of the law, and the parliament allowed this change in limited cases of fetal malformation, rape and danger to the health of the mother in early pregnancy. This provoked Cardinal Ribeiro to expressly ask Catholics not to vote for those who supported the bill.<sup>6</sup> The law was approved in parliament and its application was implemented in a restrictive manner, maintaining a very low number of authorized legal abortions and high numbers of estimated clandestine abortions.

The return of socialists to power in 1995, after ten years of conservative governments by the PSD, led to the return of the abortion liberalization to the political agenda. After several debates, a law instituting abortion on demand was approved in parliament in February 1998. However, on the run up to the vote, the Catholic leaders of the two main parties, the PS and the PSD, made abortion liberalization subject to a referendum which was scheduled to take place in June 1998.

The church intervention concerning the 1998 referendum debate had two phases. A short initial phase in which the Cardinal Patriarch, António Ribeiro, interfered directly by appealing to Catholics in decision making positions to act against the liberalisation of abortion. In a Pastoral Note in February 1997, António Ribeiro would plea to “all believers, especially those present at decision making centres, to contribute to form a correct public opinion, not abandoning to others what they morally ought to do” (Ribeiro 1997). The second phase coincided with the choice of José Policarpo as Patriarch of Lisbon to

replace D. António Ribeiro as Patriarch of Lisbon (between March 1997 and March 1998 D. José Policarpo was Patriarch-adjunct). Albeit reiterating the opposition of the church to the practice of abortion on doctrinal and political grounds (Policarpo 1998), Patriarch Policarpo formulated a strategy that dispensed of direct clerical intervention in the political arena, while maintaining its prerogative of influencing public opinion. In an official note about the referendum the Cardinal advised clerics not to get involved in the campaign and declared that was the task of “lay movements” (Conferência Episcopal Portuguesa 1998). He later announced that the church was averse to the political decision to organize a referendum on abortion, declaring that matters of conscience, such as abortion, should not be put to referendum. He stated that “to make a referendum about abortion is to make a referendum about life” (Juntos pela Vida 1997).

Catholic milieus resented D. José’s strategy and a group of prominent laymen and priests wrote an open letter to the “Portuguese priests” asking for a clearer and more active stance of the hierarchy during the political process. However, despite the involvement of a few priests on polemics during the campaign, the church largely kept its distance from direct involvement, avoiding support to political parties and civic movements, vote declarations or a clerical campaign against liberalization. Nevertheless, and denoting the influence of religious speech on public opinion, the discursive frame during the 1998 campaign was based on the classical opposition between the Catholic movements’ defence of the “right to life” and the pro-liberalization discourse of women’s right to choice (Alves et al. 2009).

The hierarchy’s withdrawal from the political arena during the campaign was compounded by political parties. The parties at the extremes of the party system, the right conservative Democratic and Social Center (CDS) and the Communist Party (PCP) were campaigned in clear terms against and for the liberalization of abortion. But the two centre parties, the Socialist Party (PS)

<sup>6</sup> Fear of a Catholic backlash in the upcoming presidential elections of 1985 and of a serious split in the then centrist government coalition between PS and PSD, led the PS leader, Mário Soares, to make an unannounced visit to Pope John Paul II in Rome (Polk 1984).

and the the centre-right Social Democratic Party (PSD) were reserved during the campaign. The PS was neutral and divided due to the opposition of the Catholic Socialist leader and Prime Minister António Guterres to the legalization of abortion on demand (Manuel and Tollefsen 2008: 121). It should, however, be noted that Prime Minister Guterres conveyed his stance as his personal opinion, rather than him acting as an agent of the church. The PSD also appeared divided, with some of its prominent members supporting liberalization (Rodrigues 2013: 345). The main drivers of the referendum anti-abortion civic movements were the Catholic civic movements (Pirralha 2009). The referendum results gave a small advantage to the no vote against liberalization of abortion (50,4%) and a low turnout of 32% resulted in an inconclusive result (Freire and Baum 2003). The issue was shelved.

The victory of the PS in the 2005 parliamentary elections under a new leadership led to a second attempt to change the law, with a new referendum being scheduled to take place on 11 February 2007. This time, during the pre-campaign, the Cardinal-Patriarch Policarpo made more explicit non-intervention as the basis of the church doctrine. At the start of the legislative process in April 2006, the Patriarch publicized the basis of its political strategy in a clear statement of liberal doctrine: „Nobody in the church wants to impose religious law as civil law. When the church respects the autonomy of the state, it respects its own autonomy” (Policarpo 2006a).

Policarpo’s liberal stance again provoked criticism among Catholics, but the Patriarch reaffirmed his position in a pastoral note issued on 19 October 2006, where he stated that the church strategy during the upcoming referendum campaign would be guided by “a healthy distance between the church and the democratic political arena”. The Patriarch justified his position with an argument that illustrated a distinction between a forbidden intervention in the political campaign while emphasising the church’s attempt to influence civil society. “The role of the clergy is to illuminate consciences. Priests should proclaim

the church doctrine about life, *but distinguish between their ministry and the campaign actions, necessary and legitimate in their proper place*” (Policarpo 2006b). Arguing that the process of liberalization of abortion had been politicized by the parties, Policarpo foresaw that the referendum would become, “in language and methods, a vulgar political campaign” and not a place for the church to engage. Thus, “family man and medical doctors should lead the campaign” (Policarpo 2006b). The strategy defended by the Cardinal clearly distinguishes between the two types of intervention, a direct one which would see the Catholic hierarchy involved in the campaign against abortion and an indirect intervention, of church involvement upon people’s consciences but no involvement in the political processes.

There were costs to this strategy: internal divisions and resentment weakened the unity of the church and caused tensions among the hierarchy. Conservative Catholics regretted the Patriarch’s and the bishops’ reserve during the referendum campaign and this amplified the increasing dissonance among Catholics in terms of the substance of the abortion law (Marujo 2007; de Lucena 2007). Thus, in the ensuing months, the debate among Portuguese Catholics focused not only on the liberalization topics, but also on the proper political role for Catholics in the processes of morality policy change.

If, during the 1998 campaign, political parties had been lukewarm in their participation, in 2007 the absence of church agents among political parties was even more apparent. The centre right PSD was officially neutral and abstained from campaigning against liberalization. Nor did the hierarchy attempt to join the civic Catholic organizations that took centre stage in the anti-liberalisation campaign. D. José Policarpo kept a distance, to the conservative movements within the church (such as the movement Communion and Liberation and the Opus Dei) that promoted the anti-abortion campaign. Fourteen civic groups (against five created to campaign for liberalization) registered in the months before the referendum to campaign against the liberaliza-

tion. The Plataforma “Não Obrigada!” (“Platform No, Thanks!”) brought together these pro-life movements and aggregated their efforts into a cohesive movement (Dias Felner 2007). On 28 January 2007, the Platform mobilized eight to nine thousand citizens in the “Walk for Life”, the largest demonstration held during the campaign (Público 2007a).<sup>7</sup> Neither priests nor bishops were to be seen among the street demonstrators.

In sum, the hierarchy passed on the opportunities for church intervention created by the plebiscitary nature of the 2007 referendum, deciding not to support Catholic pro-life civic movements. Thus, during the campaign, the hierarchy was confronted with a sizeable Catholic grass roots movement that it did not create or support. This generated an unprecedented situation in the history of modern Portuguese Catholicism. Unlike in Spain, where bishops are used to share the public space with numerous Catholic movements and to cooperate with likeminded ones, in Portugal the clergy normally holds the monopoly of the Catholic voice in the public debate. The unprecedented nature of the situation was called by the Archbishop of Braga and President of the Episcopal Conference, D. Jorge Ortiga, “the hour of the laity” (Ortiga 2007). The distance kept between the hierarchy and the anti-abortion civic movements was one more sign of the determination of the hierarchy to maintain a strategy of non-direct intervention in the political arena.

The capacity to the church to influence the terms of the debate seems to have suffered. The more fundamental argument of the opposition, which had predominated in the 1998 referendum – pitching women’s right of choice against the embryo’s right to life – was replaced by a pragmatic debate over the consequences of clandestine abortion (Alves et al. 2009: 31-33). The anti-abortion movement tried to counterpoise the dominant frame by accusing their proponents of “banalising abortion” (Público 2007b), but was largely unsuccessful in this enterprise, showing

the extent of withdrawal of religious language on the campaign and reflecting the more liberal public attitudes towards moral issues (Vilaça and Oliveira 2015b: 33).

On 11 February 2007, voters were asked: ‘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?’ The referendum results were 59 % voting “yes” and 41% voting “no”. Only 40% voted, undercutting the legality of the results. After the defeat of the “no” vote in the referendum, the Portuguese bishops’ attitudes were again characterised by moderate language, lamenting the victory of abortion liberalization and recalling that its practice clashes with Catholic doctrine, but restraining from claiming any religious sanctions to those Catholics involved in the liberalization campaign. The following day, the Socialist Prime Minister José Socrates declared that in Portugal, although the referendum results were not binding- referenda needs at least 50% of voting to be lawfully binding –, he would proceed with the liberalization of the law. The right-wing President of the Republic, Aníbal Cavaco Silva, ratified the law and the law liberalizing abortion in Portugal was adopted in April 2007 (Público 2007c).

#### *Liberalization of the same-sex marriage law*

The church hierarchy’s behaviour during the process of liberalization of same-sex marriage in 2009-10 was largely similar to the abortion debates. The Patriarch and the Episcopal Conference issued a critique of the PSD and CDS’s call for a referendum on the change of legislation, based on the liberal argument that morally sensitive issues were part of the reserve of conscience, and should not be matters for a popular plebiscite (Marujo 2009b). During the brief period of discussion of the new legislation in parliament the church declined from intervening in the policy process, stating that the change of legislation was not a “provocation to the church” (Marujo 2009a). The church’s silence led several analysts to comment on the existence of a pact between the Cardinal Patriarch and the Socialist prime

<sup>7</sup> In Spain public demonstrations against abortion mobilized about a million people on 17 October 2009.



minister José Sócrates: in exchange for the church's silence, the PS would make see that the legislation would exclude the possibility of adoption by same-sex couples (see Vilaça and Oliveira 2015a, 38-41).

Regardless of whether he was in agreement with the government or not, the Cardinal Patriarch advised the clergy not to support political parties nor civic movements involved in the process, and much less to use the pulpits to proclaim their opposition to the law on same-sex marriage. In this vein, although the Portuguese Bishops Conference (CEP) proclaimed the doctrine that marriage was to be reserved for a union between a man and a woman, it declined to give advice to decision-makers on how to vote on the legislation (Conferência Episcopal Portuguesa 2009).

Thus, although both centre-right parties, the PSD and the CDS, declared their opposition to the legislation on same-sex marriage (Vilaça e Oliveira 2015b: 136), none invoked religious reasons for their position. There were no church agents to be seen among the political elites. The Cardinal Patriarch and the bishops, again, maintained the church's distance with the demands of the Catholic civic movements, which claimed for a referendum on the change of the law to take place (a 5,000 people strong demonstration against the law took place in Lisbon) (Lusa 2009). When the law instituting civil marriage for homosexual couples (but excluding the capacity of these couples for adoption) was approved in parliament in February 2010, the church hierarchy lamented the lack of democratic debate, but continued not to denounce explicitly on the outcome (Lusa 2010). After the law was adopted in parliament, there were hopes among the hierarchy, including D. José Policarpo, that Pope Benedict XVI's visit to Portugal in early April would influence the President Cavaco Silva, persuading him not to ratify the law (Henriques 2010). However, after getting the confirmation of the law's constitutionality from the Constitutional Court, the President ratified it.

The behaviour of the Catholic hierarchy in these three moments of moral policy liberaliza-

tion (1998, 2007 and 2010) shows a consistent application of a doctrine of non-direct intervention in the political arena. Rather, the church concentrated in influencing indirectly the public opinion by disseminating its doctrine on moral issues among the faithful "and those who want to hear" (Policarpo 2006b). Moreover, the Cardinal Patriarch José Policarpo made public the doctrinal underpinnings of the church in a democratic and plural setting, by insisting on a proper distance between the church and the political arena. Neither did the Portuguese hierarchy, unlike in Italy, Ireland, Spain or Poland, intervene by supporting civic movements or by offering voting suggestions. In the next section we will explore the explanatory paths to understand the origins of these choices.

### **Explaining the church behaviour in the 2007 and the 2010 change of abortion laws and same sex marriage laws**

#### *No stable ally: Lesser institutional access and shifty party alliances*

The first pathway considers the Catholic church as an interest group that strives for political influence in vital issues. The church will, taking account of its resources in terms of linkages with parties and/or access to decision-making institutions, evaluate the costs/benefits of forming an alliance with political parties or try to exert influence over the relevant institutions. In this section we will thus characterise the structural conditions of institutional access of the Portuguese church with the political arena. We focus on the particular historical moment of transition to democracy and spell its consequences for the church relations with political parties and political institutions in the years thereafter.

The Portuguese democratisation process was more like the taming of a revolution than a transition from authoritarianism to democracy (Maxwell 1995: 12-14). This kind of transition posed a threat to the church, as the radical elements of the Movement of the Armed Forces (who were the protagonists of the revolution) and the extreme left led an attack against church's

authority in an environment of massive popular mobilization (Hamann and Christopher Manuel 1999; L. Salgado Matos 2001). The assault peaked during the period between January and November 1975, with attacks on churches and the occupation of the Catholic Radio *Renascença* station.

During the revolutionary period, the church, nevertheless, defended its position through popular actions, sometimes violent, and counter-attacks on the extreme-left and on the communist forces (with highest intensity in the Northern region) while searching for allies among democratic forces (Salgado Matos 2001: 120). However, because of the internal divisions running through both the laity and the clergy, the church did not respond to the attack through the organization of a Christian Democratic party as happened in many other European countries (Clímaco Leitão 2013; Braga da Cruz 1997). Instead, the episcopate created a strategic alliance with the Socialist Party – which came out victorious in the April 1975 elections to the Constituent Assembly – to counter the forces striving for installing a communist regime, and generally to quell the deepening antagonisms over religion (Braga da Cruz 1997; Maxwell 1995).<sup>8</sup>

Despite the intensity of the links between the church and the socialists during the revolutionary months of 1975, Mário Soares, the leader of the Socialist Party, did not aim at institutionalizing the relation with the church. Instead of deepening the links between the two institutions (the Socialist Party and the church), Mário Soares relied on this personal relation with Cardinal Ribeiro. In a background interview with one of the senior clerics involved in church relations with the political arena (P. Jardim), it was conveyed to us that Cardinal Ribeiro noticed Soares' attitude, and the church reciprocated to the PS's lack of commitment by maintaining a reserved

<sup>8</sup> When the fall of the regime seemed imminent in the early seventies, the church and the Socialist Party saw each other as plausible allies in the transition process and early contacts were established between progressive Catholics and Socialist politicians such as Mário Soares. In 1973 Cardinal Ribeiro met Mário Soares in Rome (Barreto 2004).

stance. As a result, the relation consolidated into a pact of necessity, rather than an alliance of partners.

On the right of the political spectrum, the church did not try to establish any stable and durable alliance with the PSD or with the CDS, either. When the political situation normalized past the revolutionary period in November 1975, the bishops, taking stock of the deep divisions among Catholics, and divided between an interventionist and a possibilist line, decided against mobilizing a confessional party or supporting directly any of the two centre-right parties, the PPD and the CDS (Clímaco Leitão 2013: 210-213).<sup>9</sup>

The church maintained its distance from political parties throughout the years, and the absence of church agents among political parties was particularly visible during the campaigns for the referendum on abortion in 2007. The centre-right PSD – which had been against the liberalisation of abortion during the 1998 referendum campaign – was neutral in 2007 (Sá 2007). The PSD's Catholics were increasingly demobilised, with the voices in favour of liberalizing of abortion increasing among its ranks (Valente 2007; Público 2007a). The PS's official position also shifted from neutrality in the 1998 referendum to a clear position for liberalization of abortion. The only party campaigning against liberalization was the right conservative CDS-PP – but even the CDS started the campaign rather late and in a reserved manner (Lourenço 2007).

The revolution, by its radical character and left-wing orientation, led to the curtailment of a great part of the links between the church and the political institutions that had characterised the New State (1926-1974). The church saw its institutional access severely limited. The new status was negotiated in the new Constitution of April 1976, which although establishing safeguards for the institutional autonomy of the church (Braga da Cruz 1997: 528) also expressly instituted a clear cut separation between the

<sup>9</sup> The PPD (later renamed the Social Democratic Party – PSD) and the conservative Democratic and Social Centre Party (CDS).

church and the state, and the constitutional text does not include a provision privileging religion – as is found in most other constitutions in Europe. Article 51.3 institutes a constitutional prohibition to use religious names and symbols in political parties, showing the willingness of the constitutional framers to separate church and politics. The Constitution of 1976 (still in force today with very few amendments on the provisions on religion) is thus symptomatic of the considerable retreat of church influence over the political arena.

Summing up, the legacy of church-state separation from the transition period resulted in limited institutional opportunities for intervention, both due to a lack of stable political partners who would translate the church's moral-political position and also to the absence of direct access to decision making institutions.

#### *The ideological orientation of the Portuguese hierarchy*

The seventies also saw a shift in the ideological orientation of the Portuguese hierarchy, marked by the appointment of António Ribeiro, a moderate liberal, as Patriarch of Lisbon in 1971 (Barreto 2004: 12). Cardinal Patriarch Ribeiro was a moderate member of the reformist and progressive group that emerged in the context of Iberian Catholicism in the 1960s (Fontes 2013). In Portugal and Spain, the later years of the dictatorships saw the growth of a new generation of clerics critical of the strong links between the national hierarchies and the authoritarian regimes of Franco and Salazar<sup>10</sup> and adopted a preferential concern for social reform (Pérez-Díaz 1991: 15). In an effort to reform the Iberian churches according to the spirit of the Vatican Council II, Pope Paul VI promoted these progressive clerics to bishops. D. António Ribeiro's choice to lead the Portuguese church in 1971 was a case in point (Barreto 2004). The Vatican's policy meant that

<sup>10</sup> In Spain, the Franco dictatorship established the Catholic church as the official state religion; in Portugal, Salazar maintained a regime of separation between church and state.

the Portuguese church became an important ally of the democratic forces during the 1974-75 transition. To a lesser extent, this holds true for the Spanish transition period, as well (Casanova 1994).

D. António Ribeiro prepared the ground for the transition to democracy by starting to disentangle the strong link between the church and the New State and opening the way for the church to adapt to the loss of institutional access and fewer privileges (Barreto 2004; Fontes 2013). His moderate positions were crucial during the 1974-75 revolution.<sup>11</sup>

The cleric that succeeded Ribeiro in 1998 was an eminent liberal theologian, José Policarpo. Renown for his theological teaching and writing, Policarpo's liberal Catholic intellectual inclination can be traced back to his academic formation. José Policarpo doctoral thesis "Signs of times: The Theology of Non-Christian Nations" (Policarpo 1971) was written in Rome at the Jesuit-led Pontifical Gregorian University, at the heyday of the church reform movement that led to the Vatican Council II (1962-65) aggiornamento of the church with liberal democratic values. The thesis was in line with the themes and approaches of the liberal Catholic doctrines. In an interview to a daily newspaper in 2001, Cardinal Policarpo acknowledged the profound impact that Pope Paul VI had on his doctrinal thought and actions: "Paul VI was an extremely courageous man, and a lucid one, with extreme openness to new values." (*Público* 2001).

As professor of the Theological Faculty of the Portuguese Catholic University, of which he became a Rector from 1988-1999, José Policarpo's theological writings and teaching focused

<sup>11</sup> This disengagement was to have a long lasting effect on the Portuguese party system: contrary to the religiosity does not organize the competition among the main Portuguese political parties (Montero, Calvo, and Martínez 2008: 11). The minority of „nuclear“ Catholics, who go weekly to church, voted as much for the Communist Party (*PCP*), as to the right conservative CDS. In 2002, „nominal“ Catholics who attended church about twice a month, were equally distributed in 50% of the votes for the PS, for the PCP and for the PSD (2008: 43).

on the proper role of the church in a secularized society (Público 2001). In the spirit of the worries of the Council fathers, he would state: "Nothing which is human should be indifferent to the church: politics, culture, the reorganisation of society, the fight for justice, family, cultural mutations and the change of life's ethical sense" (Policarpo 2003). The strong influence of the progressive liberal current among the Portuguese hierarchy can thus be seen as a continuous and intensifying trend among the Portuguese clergy from the early seventies to the end of José Policarpo's tenure in 2013. In the next section we will consider the influence of this current of thought in the strategy of the church during processes of moral policy change held during that period.

### Analysis

To what extent does this data confirm our hypothesis that the ideological inclination of the hierarchy is a sufficient condition to determine a strategy of direct intervention? On the one hand, the absence of church agents within political parties in the campaigns for the two referendums on abortion, in 1998 and 2007, points to the influence of institutional legacies. Indeed, political parties acted largely independently of church authority and there were practically no organised Catholic factions within the party groups involved in the campaign. Plus, it was the Socialist governments, the party with the strongest link to the church instituted during the transition, that acted as main agents of moral policy liberalisation, even when the Catholic and socialist leader António Guterres was Prime Minister (1995-2002). The PSD, while traditionally more conservative in moral issues, also kept a strong reserve during the campaigns against abortion and same-sex marriage.

However, a thorough analysis of the hierarchy's actions shows that the hierarchy's self-restraint went beyond its relations with formal institutions, even when referendum campaigns opened opportunities for the expansion of church intervention through civic movements, thus showing the principled reserve towards direct interven-

tion in the political arena. Whereas Spanish bishops marched on the streets and Cardinal Rouco Varela threatened excommunication to those politicians engaged with liberalization, Cardinal Patriarch José Policarpo and the Portuguese Episcopal Conference forbade any clerical presence in street demonstrations, the use of the pulpit to campaign, and largely shunned from offering voting and policy-making advice to the population and to politicians. Also, while the hierarchy in Spain coordinated and supported the actions of civic protest movements, the Portuguese hierarchy maintained a reserved distance towards the Catholic civic movements, and this led several engaged Catholics to publicly demanding more support in their plight against moral policy liberalisation. Even though the hierarchy was aware of the divisions caused by its non-interventionist options during the 2007 abortion referendum, it accepted the costs and repeated the strategy in the 2010 same-sex marriage liberalisation process.

The analysis of Cardinal Patriarch Policarpo's political strategy, in particular during the referendum campaigns in 1998 and 2007, shows that liberal doctrinal convictions were sufficient to determine a church strategy of no direct intervention. Lack of access to institutions and the absence of alliances with political parties may determine the cost/benefit analysis of an intervention, but only if there is an ideological predisposition to intervene.

The effect of the ideological orientation of the hierarchy in processes of morality policy change proposed here is particularly useful to explain the differences between Portugal and Spain. Despite the fact that during the Spanish transition of 1975, the church's institutional access largely diminished, from the mid-eighties, the Spanish Catholic hierarchy was again led by conservative clerics who intervened directly in the political arena through their agents in political parties; the hierarchy support and organization of social movements involved in the campaign (Hennig 2012) were in favour of direct intervention in the political arena, and this determined

their political strategy regarding the processes of moral policy liberalisation, both in terms of establishing links with Catholic minorities within the Partido Popular and through direct action in morality policy processes (Meyer Resende 2015). In Portugal, however, after the death of Cardinal António Ribeiro in 1998 the liberal orientation of the Portuguese church was kept, and such orientation dictated a policy of non-intervention. From 1998 to 2013, Cardinal Patriarch José Policarpo led the church, and his liberal doctrinal teachings were translated in a reserved attitude of the church during the controversial debates leading to the change of the abortion and the same-sex marriage laws (2007-2010).

### Conclusion

The analysis of Portuguese church behaviour during the process of moral political liberalisation is relevant not only because it is an exceptional case, but also because it links to broader theoretical debates. Empirically, we have observed a church hierarchy that has chosen to remain out of the political arena during the policy processes leading to a more permissive abortion law and the implementation of gay marriage. In theoretical terms, we have considered a question that religion and (morality) policy research has not addressed so far: is the ideological orientation of liberal Catholic national hierarchies relevant for the actions of the church during policy processes? While we consider institutional constellations as important, the Portuguese case shows that morality policy analysis should also pay attention to the ideology of the main actors involved. The case shows that the way national hierarchies respond to the decline of religiosity and the change of values, is itself an important element of secularisation. A liberal response may accept the limitation of clerical authority in an increasingly plural society. Secularisation is thus also a result of religious actors' reaction to socio-cultural changes, even in societies marked by centuries of Catholic monopoly of the religious space.

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### Note on the Authors

MADALENA MEYER RESENDE (PhD LSE 2005) is assistant professor at the Faculdade de Ciências Sociais e Humanas (FCSH-UNL) and a researcher at the Instituto Português de Relações Internacionais (IPRI-UNL) both at NOVA University of Lisbon. She publishes on issues of nationalism and religion, with a focus on Poland and Spain. Among her numerous publications are two books: “The unintended effects of Europe on Central and East European party systems: Poland and beyond” (2009) and “Catholicism and nationalism: Transforming party politics in Europe” (Routledge 2015).

ANJA HENNIG is researcher and lecturer in comparative politics at European University Viadrina in Frankfurt/Oder (Germany) where she obtained her PhD. Her research in comparative public policy concentrates on the changing relationship between religion and politics especially in Catholic Europe. Particular interests concern the role of religion in moral conflicts and the appropriation of liberal arguments for non-liberal purposes.