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Chapter 7

From Electoral to Corporate Board Quotas: The Case of Portugal

Ana Espírito-Santo

In Portugal, a so-called Parity Law was approved in August 2006. According to that law, all lists presented for local, legislative, and European elections must guarantee a minimum representation of 33.3 per cent for each sex. Parties that do not respect this minimum are fined. The approval of that law places Portugal within a global trend for the adoption of such measures. This trend has intensified greatly over the last 15 years, and at the moment, more than one hundred countries have gender quotas for political office (Franceschet, Krook, and Piscopo 2012, 3). Although political gender quotas are the oldest and by far the most common ones, two further generations (Holli 2011) or groups (Meier 2013) of gender quotas have recently appeared in several countries: gender quotas for advisory boards and for boards of publicly listed and state-owned companies. Up until very recently, these two additional types of quotas were not present in Portugal, and quotas were synonymous with electoral gender quotas. However, in August 2017, a law aiming to achieve a more equilibrated representation of women and men in the administrative and fiscal organs of listed and state-owned companies was adopted.¹

This chapter aims to achieve two main objectives. The first is to analyse the role, interactions, synergies, and alliances of the most important (f)actors that made the adoption of gender quotas in Portugal possible both at the political and economic levels. This part of the paper

¹ Law 62/2017, available at: <https://dre.pt/web/guest/pesquisa/-/search/107791612/details/normal?l=1> (accessed in July 2017).

follows the conceptual model provided by Krook (2009), who identifies three categories of potential actors in quota campaigns in the literature: (1) civil society actors such as women's movements and women's sections inside political parties; (2) state actors such as national leaders and courts; and (3) international and transnational actors such as international organisations and transnational non-governmental organisations (NGOs) (Krook, 2009, 20). Nevertheless, this chapter gives special emphasis to three crucial (f)actors that have often been overlooked in the gender quota literature (see the chapter "[Introduction](#)"): namely the legal and constitutional preconditions, the national gender equality agencies, and the role of European institutions and other international actors. The second main objective of this chapter is to explore how gender quotas challenge and transform the political gender regime in Portugal, and in particular the way democracy and equality are conceived.

In order to reach these two objectives, both analysis of documents and interviews were used, including two different sets of interviews with Portuguese MPs. The first set was conducted in 2005, just one year before the adoption of the electoral quota law, whereas the second set was conducted in 2014/15.² Furthermore, several documents were analysed and some specialists were contacted by email. All referenced materials appear in footnotes, where appropriate.

This chapter is organised as follows: Section 7.1 sequentially describes the progression of events leading up to the adoption of the Parity Law in 2006. Section 7.2 analyses the role that the most important mobilising (f)actors played in the adoption of electoral quotas. Section 7.3 pursues the same goal, but for the business sector. Section 7.4 reflects on how gender quotas might have

² Within the project, *Mulh(j)er e Poder* (PTDC/IVC-CPO/4088/2012) that was coordinated by Nina Wiesewomeier at the Institute for Social Sciences in Lisbon.

transformed the national narrative and discourses, while the last section, Section 7.5, summarises the main conclusions.

7.1 From Party Quotas to Electoral Quotas: A Timeline

As in many other countries, voluntary party quotas were first implemented in Portugal by left-wing parties. The first party to adopt them was the Socialist Party (PS) in 1988, assuming a 25 per cent quota for both sexes. However, although the PS officially adopted party quotas, they remained dormant as the party did not comply with them for another decade. In contrast with other countries (Caul 2001; Meier 2004), in Portugal there was no diffusion effect, i.e. no other parties adopted their own internal quotas until decades later. In 1999, a new political party was founded in Portugal, the Left Bloc (BE). It is an extreme-left libertarian political party that managed to get into parliament (2/230 MPs) in the first legislative elections in which it participated, in the year that it was founded.³ The BE has always been a party very committed to gender equality; it identifies as feminist,⁴ and it has often aimed at and accomplished a relatively gender equilibrated parliamentary group. Nevertheless, it has never had party quotas as such (i.e. applied to electoral candidates) defined in its statutes, although since 2003 the BE's statutes have mentioned that the main party organs should observe the parity criterion.

The awakening of the PS to gender equality issues started to take place in the beginning of the 1990s. In 1992, António Guterres – who is known as someone very committed to gender equality⁵ – was elected leader of the PS. His tight connection with the Socialist International (SI)

³ Earlier in the same year (1999), it had run for the European elections but did not manage to elect any MEPs.

⁴ Personal interview with BE MP Helena Pinto (2005).

⁵ According to several interviewers, both in 2005 and 2014.

and his international connections in general might explain at least part of his commitment. In fact, in the 1992 party Congress where he was elected for the first time, he put forward a motion identifying the under-representation of women in political power as a problem that should be solved.⁶

In 1994, three female Portuguese MEPs from different parties organised a symbolic moment, the Parity Parliament, which was sponsored by the EU (Bettencourt and Silva Pereira 1995; Cabrera, Martins and Flores 2011). Within this initiative, 115 former and current female members of Parliament invited the same number of male partners to sit with them in a Parity Parliament gathered to debate the situation of women, citizenship, and parity democracy.⁷ Guterres, who took part in the event, presented a proposal suggesting that the candidates' lists should include one woman for every four positions (Cabrera, Martins and Flores 2011, 89). The first legislative elections during Guterres' leadership took place in 1995, a year marked by an intensification of the PS party strategy concerning women's representation. From that year onwards, the PS officially assumed itself as a party engaged in increasing women's election by defending (for the first time in an electoral programme) constitutional and legislative measures to promote an equilibrium between men's and women's access to political positions.⁸

The PS won the elections, Guterres became prime minister, and soon after, in 1997, the fourth revision of the Constitution took place (see section "The legal and constitutional preconditions"). In the following year (1998), the PS attempted to introduce a gender quota law for the first time, which was rejected in Parliament. Between 1998 and 2006, several bills were proposed by both the PS and the BE (for a timeline overview of those bills please see [Table 7.1](#) in

⁶ Motion "Mudar para Ganhar," António Guterres, X PS Congress, 1992, 10.

⁷ Available at: www.db-decision.de/CoRe/Portugal.htm (accessed in December 2016).

⁸ PS Party Manifesto, legislative elections, 1995, I-5.

Appendix). These are the only two political parties that have pushed for the passage of the Parity Law in Portugal. The three remaining parties with parliamentary representation – the Communist Party (PCP), the centre-right, liberal Social Democratic Party (PSD), and the right-wing, conservative Democratic Social Centre (CDS) Party – are all against quotas. The PCP is against quotas on the grounds that they do not help solve the source of the problem, which the Communists feel is a socio-economic one; they argue that “quotas are only favourable to middle class or upper-middle class women.”⁹ Furthermore, the PCP is also usually against any state interference in the internal organisation of parties. The CDS’ three main reasons for opposing quotas are: that they are humiliating for women, that they lead women without aptitude to be elected, and that their party does not need quotas to allocate women to very high political positions.¹⁰ Finally, although the PSD official position has always been against quotas, it is a very heterogeneous party on this matter (see section “Gender quotas in the economic sphere”). Therefore, there are some people within the party who totally oppose quotas on the basis of the arguments presented by the CDS, whereas many others (mostly women) see them as the only solution to solving the problem of unequal numbers of women and men among politicians.¹¹

It was only in 2006, when the PS had a majority in Parliament, that its bill and three bills from the BE (see Table 7.1 in Appendix) passed on their general principles in the Assembly of the Republic. While the Socialists targeted all three different types of elections (local, legislative, and European) in one bill, the BE opted to dedicate one bill to each type of election, hence the four

⁹ PCP MP, Odete Santos at CERC debates: 24.^a *reunião*, 18 September 1996.

¹⁰ Personal interview with CDS politicians, Maria José Nogueira Pinto, Mariana Cascais, and Teresa Caeiro (2005).

¹¹ Several personal interviews with PSD MPs and ex-MPs (2005).

very similar but separate bills. These bills all proposed the adoption of a 33.3 per cent minimum representation for each sex.

7.2 Main (F)actors for the Adoption of Electoral Gender Quotas

7.2.1 The Legal and Constitutional Preconditions

The fourth revision of the Portuguese Constitution took place in 1997.¹² This revision is of major importance for the purpose of this chapter because it contained the introduction/alteration of two paragraphs that particularly target equality between women and men. First, a paragraph (h), “To promote equality between men and women,” was added to article 9^o (*Fundamental tasks of the State*); and secondly article 109 (*Citizens’ participation in politics*)¹³ was substantially changed. Instead of “citizens,” the article began referring expressly to “men and women.” In addition, a new phrase was added. Its text since the revision has been: “The direct and active participation in political life by *men and women* is a condition for and a fundamental instrument in the consolidation of the democratic system, and the *law must promote both equality in the exercise of civic and political rights and the absence of gender-based discrimination in access to political office.*” (new sections included in italic).

These changes were a stepping-stone. There is consensus among several constitutionalists that any quota measure would have been considered unconstitutional before the 1997 revision (Miranda 1998, 44; Moreira 1998, 48). This argument is mainly based on article 13^o (*Principle of equality*), according to which, “no one may be privileged, favoured, prejudiced, deprived of any

¹² So far, the Portuguese Constitution (which originated in 1976) has been revised seven times: 1982, 1989, 1992, 1997, 2001, 2004, and 2005.

¹³ Article 109 corresponded to article 112 before this revision.

right, or exempted from any duty for reasons of ancestry, sex ...” This article prevents the adoption of any legal measures that privilege women or any other group (Moreira 1998, 48). Another argument for unconstitutionality before the revision could have been based on the unity and indivisibility of the electoral body – an argument also used in France in 1982 to render a quota system unconstitutional (Moreira 1998, 59). In fact, up until 1997, the articles that included the word “citizens” did so without any reference to sex. As the Portuguese Constitution now stands, “citizenship has a sex,” since article 109º specifically mentions men and women (Moreira 1998, 59).

Both quoted constitutionalists agree that quotas are not necessarily the only measure allowed by the current Constitution; there is some room for the legislature to choose the manner and form of reaching the gender equality prescribed in article 109º, but they also agree that adopting no measures at all could be considered unconstitutional (Miranda 1998, 46; Moreira 1998, 50–1, 55).

Revisions of the Portuguese Constitution “require passage by a majority of two-thirds of the Members of the Assembly of the Republic in full exercise of their office” (article 286º); hence, they can never be brought about by a single party. Therefore, this revision was only possible because the PS and the PSD negotiated to find some consensus and, at a later stage, presented a common proposal for revision, which included the two paragraphs referred to above, targeting equality between women and men. It is important to emphasise that this revision was vast and deep, as it included 192 changes in total and comprised the modification of the numbering of more than 150 articles.¹⁴ The major topics of the revision – which received considerable media exposure

¹⁴ Available at: www.publico.pt/espaco-publico/jornal/acabar-com-o-frenesim-constitucional-e-debater-a-europa-173194 (accessed in January 2016).

– included the autonomy of the regions, electoral system reform (mainly concerning the number of MPs and the introduction of uninominal districts), and the political rights of emigrants (Magalhães 1999, 64). Hence, the amendments to the articles related to gender equality were only a small part of that revision and did not get any media attention, as they were considered minor issues.¹⁵ It is likely that the PS convinced the PSD – which officially opposes quotas – to include those changes as part of the broader common proposal, possibly compromising in other areas.

The process of revision of the Constitution was initiated by the CDS in January 1996 (Magalhães 1999, 56).¹⁶ All other parties and, for the first time, some civic associations presented their own proposals shortly thereafter. The revision was conducted over almost two years (from the beginning of 1996 to September 1997), and therefore each of the proposals was debated and voted on several times. The most informative debate took place within the respective Legislative Committee, the Occasional Committee for the Revision of the Constitution (referred to from now onwards as CERC). The CERC debate as well as the debate in the Plenary on both changes are analysed below.¹⁷ The two changes mentioned above were initially suggested by two different political parties.

The addition of Paragraph (h) to article 9, making reference to the equality between men and women as a new goal to be promoted by the state, was included in a proposal by the Green Party (*Os Verdes* or PEV).¹⁸ The PEV is a very small party that, since the end of the 1980s, has systematically run for legislative elections in coalition with the PCP. However, once elected, their

¹⁵ Personal interview with PS MP José Magalhães (2015).

¹⁷ All documents consulted and mentioned in this section can be found on the CD-ROM attached to Magalhães 1999.

¹⁸ *Proposta de Revisão Constitucional* n° 10/VII, 4 April 1996.

parliamentary groups work independently. As a result of their agreement with the PCP, the PEV has always managed to elect two MPs, and one of these has often been a woman.

The first time this proposal was discussed in the CERC, all parties that were present (the PEV was absent) pronounced themselves against it, including the PS.¹⁹ The Socialist MP, Elisa Damião, argued that the new article compromised the right to be different. She also said “the inequalities that should be emphasised are the economic, social, and cultural ones. The remaining differences between women and men should be embraced.”²⁰

However, as mentioned above, in the following months, the PS and the PSD negotiated among themselves in order to present one single proposal for the revision of many articles. One of the changes included in this common proposal was the addition of the paragraph that the PEV had proposed to article 9º, simply changing the order of the words “men” and “women” – in the Greens’ proposal the word “women” came first. This “new” proposal was debated and voted on in the CERC in April 1997, but the content of the debate is unavailable.²¹ Later on (in July 1997)²² the change was discussed for the last time in the Plenary and only the CDS (MP Maria José Nogueira Pinto) stood against it. In this party’s opinion, adding the paragraph to article 9º implied treating women as if they were a minority, which they are not. One day later, the change was submitted for final voting in the Plenary and passed with the support of all parties (PS, PSD, PCP, and PEV) except for the CDS, which voted against it.²³

The change to article 109º – introducing the promotion of gender equality in the political realm as the state’s responsibility – was suggested by the PS.²⁴ The first debate about this change

¹⁹ CERC debates: *17.ª reunião*, 4 September 1996.

²⁰ CERC debates: *17.ª reunião*, 4 September 1996.

²¹ CERC debates: *75.ª reunião*, 11 April 1997.

²² Plenary debates: *Diário da Assembleia da República*, I série, nº 94, 16 July 1997.

²³ Plenary debates: *Diário da Assembleia da República*, nº 95, 17 July 1997.

²⁴ *Proposta de Revisão Constitucional* nº 3/VII, 29 February 1996.

(on 18 September 1996, in the CERC) was conducted in relation to quotas. Even if the PS MP, Elisa Damião, did not mention quotas at all when she presented the proposal for the change,²⁵ almost all of the following interventions from the other parties brought them systematically back to the centre of the debate. For instance, PSD MP Luís Marques Guedes asked the PS whether the intention of the change was to force the legislature to approve any legislation establishing gender quotas for the composition of candidates' lists for political positions. And at a certain point, another PS MP, Alberto Martins, recognised that the PS's intention with the constitutional change was indeed to enable positive discrimination: "what we intend is to open up the possibility that the State, the law, enables some measures of positive discrimination in order to stimulate women's political participation and to guarantee the conditions that allow them to participate in greater accordance with their rights, since the reality has not permitted that to happen."

The President of the Committee (PS MP Vital Moreira) mentioned the risk that quotas might be declared unconstitutional. Later on, the same anticipation of unconstitutionality was recognised by PS MP Alberto Martins as a reason for suggesting the constitutional change: "obviously, when this question was discussed, many of us believed that, without a constitutional validation, quotas could hardly be applied without the risk of unconstitutionality."

Everybody, including the PS MPs, recognised that the words chosen by the PS for their proposal were not ideal.²⁶ The original proposal read: "the law will ensure nondiscrimination based on sex for access to political positions, aiming at a fair equilibrium in the participation of men and women." When the PS's proposal was revived and presented as part of the aforementioned

²⁵ CERC debates: 24.^a reunião, 18 September 1996. In her short intervention, Damião argued that the justification for the change in the Constitution was to guarantee a bigger democratisation of the political system.

²⁶ CERC debates: 24.^a reunião, 18 September 1996.

agreement between the PS and the PSD, the text – which consisted of the current article 109º (see the text in Section 7.2.1 “The Legal and Constitutional Preconditions”) – was very different to the original. This revised proposal was much influenced by the proposal of the Portuguese Association of the Women Lawyers (Moreira 1998, 51).²⁷ It clearly mentions “equality,” whereas the original sentence referred to a “fair equilibrium,” and it imposes gender equality as the state’s responsibility, while the only duty of the state in the original version was only to ensure non-discrimination. The revised version is more assertive and ambitious.

The new proposal was debated in the CERC in June 1997.²⁸ This debate was much less lively than the first one. When PS MP José Magalhães presented the proposal for change, he mentioned that this proposal did not identify and did not want to interfere with the famously polemical issue of gender quotas. Indeed, contrary to the first debate, this time the change was not discussed in relation to quotas.

The last debate on this change took place in the Plenary in July 1997.²⁹ Here, the PS and PSD equated the change to a new conception of democracy, defending the idea that there is no real democracy if there is an inequality of power between women and men. Expressions such as “it is indispensable to ‘democratise democracy’” were used. The PSD MP Maria Eduarda Azevedo went even further by describing parity democracy as the only real democracy: “the real democracy is not only representative and pluralist but also paritarian.” No measures to reach such a parity democracy were mentioned.

²⁷ *Projecto apresentado pela Associação Portuguesa de Mulheres Juristas* and CERC debates: 102.^a reunião, 5 June 1997.

²⁸ *Projecto apresentado pela Associação Portuguesa de Mulheres Juristas* and CERC debates: 102.^a reunião, 5 June 1997.

²⁹ Plenary debates: *Diário da Assembleia da República*, nº 99, 23 July 1997.

The change was put to the final vote in the Plenary on 24 July 1997 and passed with the support of all parties (PS, PSD, PCP, and PEV) except for the CDS, which abstained from the vote.³⁰ It is surprising that the PCP voted favourably, since it has always been against gender quotas, as has previously been mentioned. It only voted favourably because it did not associate the new article with quotas, but with an effective commitment to the end of any kind of discrimination against women.³¹

7.2.2 The Revision of the Constitution and the Adoption of the Parity Law

As the description above suggests, there remains some uncertainty about whether or not the revision of the Constitution, in particular the change to article 109° that was proposed by the PS, was made specifically because it had been anticipated that without it, a bill proposing a quota law would be declared unconstitutional. However, several facts demonstrate that this was indeed the case. The first is the evidence of the timeline as described in the previous section: in 1995 the PS began to include gender equality in politics as part of its political agenda, namely on its manifesto for the legislative elections; in 1996/7 it fought for the approval of a substantive change to article 109° of the Constitution and in 1998, it introduced its first bill related to quotas.

The second fact is the explicit written and oral (see above) references to the need to revise the Constitution before quotas could be adopted. One of these written references was made in the PS manifesto for the 1995 legislative elections,³² while another appeared in the exposition of motives of the bill that the PS introduced in 1998: “Until 1997, a law calling for positive discrimination for women’s access to State organs might have been considered unconstitutional.”

³⁰ Plenary debates: *Diário da Assembleia da República*, nº 100, 24 July 1997.

³¹ PCP MP Luís Sá at Plenary debates: *Diário da Assembleia da República*, nº 99, 23 July 1997.

³² PS Party Manifesto, legislative elections, 1995, I–6.

Why then did the debates on the change to article 109° not always mention quotas? Three answers are plausible. The first is for strategic reasons: after the failure to convince the other parties of the virtues of the change to article 109° the first time it was debated, the strategy adopted later on – and agreed with the PSD – might have been to avoid such a controversial topic. The second answer is that the PS is also a heterogeneous party concerning quotas. Even today, there are some people who oppose the measure (Verge and Espírito-Santo 2016) and therefore, depending on the MP who is conducting the debate, slightly different attitudes are observable. Yet another possible answer is that the PS has tried to follow the example of France; that is, to rhetorically distinguish between gender quotas and parity in order to avoid the negative connotation of quotas (see [Chapter 2](#)).

When the bill that eventually became the Parity Law was approved in parliament, it was sent (following the normal legislative process) to the president of the Republic for enactment (Aníbal Cavaco Silva, affiliated with the PSD). Opposition parties tried to persuade the president nevertheless to ask the Constitutional Court to study the constitutionality of the law. In the opinion of those parties, two related constitutional provisions had been violated. The first was the fact that the bill did not impose a time frame (i.e. it was *forever*), which is at odds with article 109°, and the second is that the idea of parity (i.e. perceived as the division of the democracy between women and men) violates the aforementioned equality principle of article 13°. ³³

The president decided not to ask the Constitutional Court to study the constitutionality of the law, but vetoed it in June 2006. The main reason presented to justify the veto was that the sanctions included in the bill (i.e. the outright rejection of non-compliant party lists) were

³³ Report of the Legislative Committee of Constitutional Issues, Rights, Freedoms, and Guarantees: *Diário da Assembleia da República*, II série A N.º93/X/1, 11 March 2006, 25–6.

considered excessive: “In his opinion, draconian punishment mechanisms would threaten both the freedom of the parties and the dignity of the women elected” (Baum and Espírito-Santo 2012, 329).³⁴ Although the president did not choose to clearly articulate the reasons for the veto as constitutional violations, he did mention that in this case the aim did not justify the means, mainly since the means clashed with some political and constitutional values that deserved to be preserved.³⁵

Therefore, the bill was sent back to the Assembly and amended. The main amendments were: the imposition of fines on parties with non-compliant lists instead of the initial outright rejection of such lists and the insertion of an article requiring that the Parity Law be re-assessed in five years’ time based on its impact on gender balance in Portuguese electoral politics. The bill passed again, although this time only with the support of the PS. The BE decided not to sign on to the amended bill due to the less stringent sanctions.

7.2.3 The National Gender Equality Agency and the NGO Section

In the late twentieth century, women’s policy agencies (WPAs) were created in several countries to take responsibility for the demands of women’s movement activists (Lovenduski 2005; Mazur and Stetson 1995). As Lovenduski (2005, 1) describes: “These vary in scope, size, resources, stability, and location. They appeared at different times in different countries but are now part of the political landscape. Their existence is, at least in symbolic terms, an acknowledgement of women’s demands for representation.”

³⁴ *Diário da Assembleia da República*, II série A No.120/X/1, 14 June 2006, 2–3.

³⁵ *Diário da Assembleia da República*, II série A No.120/X/1, 14 June 2006, 2–3.

In Portugal, the most important WPA has gone through several transformations. Since 2007, it has operated under the name Commission for Citizenship and Gender Equality (CIG).³⁶ Since the 1970s, the Commission has contained an advisory board with two sections, the Interministerial Section and the NGO Section, where associations of women participate. The number of participating associations has been increasing significantly: whereas in 1975 it had twelve associations, by 2007 the number had increased to fifty-four (Monteiro and Ferreira 2012, 16). Furthermore, between 1991 and 2002 (when important reforms happened), those organisations received annual subsidies and were also given a meeting room in the CIG's headquarters (Monteiro and Ferreira 2012, 16).³⁷

Monteiro and Ferreira (2012, 17) argue that in the second half of the 1970s, the Commission played an important role, since it participated in the process of decision-making several times and it had influence in the legislative content, i.e. in the quality of policy implementation. However, from the 1980s onwards, as the Commission gradually became more institutionalised as a part of the state's bureaucracy it also became more of a task performer than a proponent of policies (Monteiro and Ferreira 2012, 21). Therefore, the role of the Commission has become mostly *marginal* and *formative* (Monteiro and Ferreira 2012, 17). It is *marginal* in that, when the Commission tries to intervene in a certain political agenda (and actually does so through internal discussions, elaborating proposals, etc.), it does not manage to participate in the decision-making process because the system excludes it. It is *formative* in that the Commission's main goal is to increase the consciousness of both public opinion and political agents. In recent

³⁶ Available at: www.cig.gov.pt (accessed in January 2016), Law Decree 164/2007 of 3 May.

³⁷ In 2002, reforms led to an increasing distance between the Commission and NGOs. The relationship between them began to follow more rules and became more formal. In 2005, for example, the room that the NGOs used to have in the Commission headquarters was taken away from them, which symbolically and physically implied the end of a close relationship (Monteiro and Ferreira 2012, 22).

decades, although the Commission and its network of organisations have tried in various ways to influence decision-making, their role has been blocked and limited by exogenous factors, namely by the political system (Monteiro and Ferreira 2012, 17).

Concerning the adoption of the Parity Law, the efforts undertaken by the Portuguese WPA and in particular by its NGO Section have to be highlighted, since it was a long and persistent process (Monteiro 2011). Monteiro (2011, 47) argues that the symbolic action of the WPA was decisive in promoting the importance of gender quotas among political agents, mainly because there was great consensus among all women's associations present in the NGO Section. Nevertheless, the same author mentions at least two crucial points that illustrate the limits of the Commission's role in this agenda. First, the fact that it was only called on to participate in parliamentary debates on gender quotas in 1997–8 and not afterwards, i.e., it was not part of the decision-making process (Monteiro 2011, 41). Second, its influence in drafting legislative content was also limited, as can be seen by the fact that the law refers to a 33 per cent minimum presence of each sex, when the Commission had a clear preference for a real parity (50 per cent) (Monteiro 2011, 38).

Aside from their official connections to the Portuguese women's policy agency, some NGOs – in particular, *União de Mulheres Alternativa e Resposta* (UMAR), the Portuguese Platform for Women's Rights (PPDM), and the Portuguese Network of Young People for Gender Equality (REDE) – organised individual actions in favour of the adoption of the 2006 Parity Law. For instance, several NGOs sent protest statements to the media and to parliamentarian parties when the President vetoed the parity bill in June 2006 (namely PPDM and UMAR).³⁸ Similarly,

³⁸ Available at: <http://plataformamulheres.org.pt/docs/PPDM-Lei-paridade.pdf> and www.umarfeminismos.org/index.php?option=com_content&view=article&id=144:nota-de-protesto-da-

REDE organised the mentoring project “From woman to woman” in 2006 and in 2009, which aimed to contribute to increasing the participation of young women in decision-making processes.³⁹ On 8 March 2006, UMAR, together with some public figures, distributed a little bag – a “kit for parity” filled with symbolic objects – among the MPs in Parliament.⁴⁰ Finally, in 2009 the PPDM managed the 50/50 campaign in Portugal, launched by the European Women’s Lobby (Baum and Espírito-Santo 2009).⁴¹

The role of the NGOs in the adoption of the Parity Law is hard to assess; their work is mainly invisible – Portugal has a comparatively weak civil society, and in particular, women’s/feminist associations have the lowest levels of membership among adults (Fernandes 2012, 3). Furthermore, politicians do not mention NGOs when asked about what motivated them to pursue this agenda. However, since the feminist NGOs have always been the most progressive voices in Portugal concerning equality between women and men, and since they have been very persistent following the parity agenda, they were/are a source of inspiration to some politicians.

7.2.4 European Institutions and Other International Actors

According to Krook (2009, 17), “the actors that are most often overlooked are international organisations and transnational networks.” And yet, these actors played a determinant role in the case of Portugal in several ways. In general, it can be said that the “European directives and

[umar-ao-veto-presidencial-a-lei-da-paridade&catid=15:noticias-e-comunicados](#) (accessed in December 2016).

³⁹ Available at: <http://redejovensigualdade.org.pt/dmpm1/novidades.html> (accessed in December 2016).

⁴⁰ Available at: www.casacomum.org/cc/visualizador?pasta=10092.004.018.017 (accessed in December 2016).

⁴¹ Available at: <http://plataformamulheres.org.pt/spot-nao-ha-democracia-europeia-moderna-sem-igualdade-entre-mulheres-e-homens> (accessed in December 2016).

recommendations create a framework in which national policies and legislation must be elaborated” (Ferreira 2011, 181). However, political parties and other actors are differently affected by international trends.

The introduction of the party quota in the PS in the 1980s is largely seen as the result of the personal initiative of the secretary-general at the time, Vítor Constâncio, who was driven by some key female figures within his party and was inspired by events in other European countries, particularly Norway.⁴² Furthermore, the SI was crucial in the PS’s decision to pursue this agenda,⁴³ and might have been a determining factor in Guterres’ position on this matter. The type of contact this organisation generates among the many social democratic parties that usually favour quotas has played at least some role in the way the party has evolved on this issue. Subsequently, in 2003, the PS party quota was enlarged to one third of positions in party organs and electoral lists for either sex following a call from the Socialist International Women urging affiliated parties to introduce or expand quota provisions (Verge 2013, 445).

Turning to international organisations, Portugal has primarily been affected by three: the United Nations, the European Union, and the Council of Europe (Santos, 2011). In fact, the evolution of the positions of both the PS and the BE regarding the election of women closely followed the developments within those three organisations (Baum and Espírito-Santo 2012, 330–2). This influence can be confirmed through an analysis of the parties’ strategies and, more directly, through the references to international recommendations and guidelines contained in the electoral programmes and the majority of bills presented by both parties between 1988 and 2006. The latter references seem to work as a legitimisation or justification strategy.

⁴² Personal interview with Vitor Constâncio (2005).

⁴³ Several personal interviews with PS MPs (2005).

Transnational factors are also relevant in their capacity to be transversal to almost all actors involved in the process of the adoption of gender quotas. In fact, they seem to also be very inspiring for women's associations (NGOs) that are organised in international and European platforms.

7.2.5 Women within Political Parties

Krook (2009, 21) states that “Evidence from many cases indicates that efforts to nominate more female candidates rarely occur in the absence of women’s mobilization,” and Portugal is not an exception. It seems plausible that a crucial role was played by (some) women within political parties, irrespective of these individuals’ membership in women’s sections.⁴⁴ As BE MP Helena Pinto has said: “To this day within the BE, it is mainly women who push for feminist issues. And, depending on the specific issue, it might not be all women, but just some of them, even within the BE.”⁴⁵ Socialist and Communist MPs interviewed made similar statements.

The influence of women, both organised and not, is hard to prove due to its indirect character and the fact that most initiatives are carried out by men. An illustrative example of the difficulty in identifying relevant actors is the PS’s adoption of a party quota in 1988. Although PS leader Constâncio stated that he was the one who had thought of the idea,⁴⁶ this seems improbable, considering that PS member Maria Belo had put forward a motion officially raising the issue for the very first time during the 1986 Congress.⁴⁷ In addition, two members of the Socialist women’s section at that time, Maria do Carmo Romão⁴⁸ and Ana Coucello,⁴⁹ assert that Romão had the

⁴⁴ Several personal interviews with PS and PCP MPs (2005).

⁴⁵ Personal interview (2005).

⁴⁶ Personal interview with Vitor Constâncio (2005).

⁴⁷ Motion “O Partido Socialista e as Mulheres,” Maria Belo, VI PS Congress, 1986.

⁴⁸ Personal interview (2005).

⁴⁹ Email exchange with Ana Coucello in 2016.

original idea. According to Coucello, Constâncio simply pledged to support the measure, but he did ultimately fulfil this promise.

Most Portuguese parties have an internal women's section. However, the women's sections tend to have a rather weak role. This is even the case within the PS – one of the most important parties for the passage of the Parity Law – whose women's section is neither particularly renowned nor especially influential within the party (Monteiro 2011), since the most powerful women in the party prefer not to play an active role in it.⁵⁰ Furthermore, the section's strength and position (more feminist or more conservative) varies a lot depending on who is the president. When the PS introduced the proposal that eventually became the Parity Law in 2006, the president of the women's section was Manuela Augusto (2005–11), who describes herself as someone who is *for the female condition* instead of *for gender equality*.⁵¹ Therefore, it is understandable, then, that the women's section did not play a determinant role at that moment.

In summary, it is likely that transnational actors, along with some influential women within parties, are the (f)actors that matter the most for convincing party leaders – the most visible face of all proposals – to be more proactive in gender equality issues. The revision of the Constitution was also crucial. Based on the fact that the opposing parties still raised issues of unconstitutionality when the 2006 bills were introduced, it is easy to imagine what would have happened had the revision of the Constitution not taken place.

⁵⁰ Several personal interviews with PS MPs (2014).

⁵¹ Personal interview with PS MP Catarina Marcelino (2014).

7.3 Gender Quotas in the Economic Sphere

Until very recently, only a few tentative steps had been taken in order to reach a more gender-balanced distribution of the highest positions in the economic sphere. In 2012, the first measure with some binding pressure was accomplished through a Resolution of the Council of Ministers⁵² (Casaca 2014, 194). That resolution “determined it compulsory”) all state-owned companies to implement internal equality plans aimed at: (a) reaching a *de facto* equality between women and men in the way they are treated and in the opportunities they have; (b) eliminating all kinds of discrimination; and (c) facilitating the reconciliation between professional, family, and personal lives. This resolution was not very efficacious, not only because it only compelled the companies to implement internal equality plans (i.e. it failed to dictate how demanding the objectives established in those plans should be) but also because it imposed no sanctions on non-compliant companies, which are crucial to the efficacy of any measure of this kind. A few other resolutions in this area were approved during the term of the previous centre-right government (a coalition of PSD and CDS; 2011–15). The most important of those was signed in March 2015,⁵³ which mandated some government officials to compel all listed companies to commit to reaching a minimum of 30 per cent of the under-represented sex on their administrative boards until 2018. Although thirteen listed companies (70 per cent of their total number) committed to that goal, the results proved rather small.⁵⁴

⁵² RCM n° 19/2012, available at: www.cite.gov.pt/pt/destaques/complementosDestqs/RCM_19_2012.pdf (accessed in January 2015).

⁵³ RCM n° 11-A/2015, available at: https://dre.pt/home/-/dre/66689598/details/maximized?p_auth=jMmNC35f (accessed in July 2017).

⁵⁴ Available at: <http://expresso.sapo.pt/politica/2017-06-23-Empresas-prometeram-nomear-mais-mulheres-mas-nao-cumpriram> (accessed in July 2017).

Nevertheless, in 2017, a formal gender quota law was approved in Portugal. In January 2017, the centre-left government (PS⁵⁵; 2015–19) introduced a bill in the Assembly of the Republic proposing gender quotas for listed and publicly-owned companies.⁵⁶ When presenting the bill, two main arguments were emphasised by the PS. The first was the justice argument, which is that women are similarly or more qualified than men, and that their participation is indispensable to a more balanced and fair society. The second argument was that of fulfilling a duty – a constitutional duty – to comply with European directives and to follow the best practices of other countries (Germany, France, and Italy).⁵⁷

After having suffered several changes, the bill was put to a final vote in the Plenary on 23 June 2017 and passed with the support of some parties (PS, BE, PEV, and PAN – People, Animals, Nature; and seven CDS MPs). The PSD and a few CDS MPs abstained from the vote, while the PCP and the remaining CDS MPs (six in total) voted against the bill. The new law applies to both state-owned and listed companies, but on different terms. Concerning the former, from 2018 onwards, each administrative and fiscal board shall not have less than 33.3 per cent of members of either sex. In cases of noncompliance, the designations are considered invalid and new ones have to be proposed within ninety days. As for listed companies, the minimum is 20 per cent, which will rise to 33.3 per cent from 2020 onwards. The sanctions for private companies that fail to comply with the law boil down to: public exposure if the noncompliance is not corrected within ninety days and a fine (with no minimum value specified) if it is not corrected within 360 days.

⁵⁵ The current PS government is a minority government (86/230 MPs), supported by the PCP-PEV (17/230) and the BE (19/230).

⁵⁶ In February 2017, the Left Block introduced a similar – though more ambitious – bill, but later decided to give it up and to support the PS bill. For more details on these bills, please see [Table 7.1 in Appendix](#).

⁵⁷ Plenary debates: *Diário da Assembleia da República*, I série, nº 99, 17 February 2017, 29–37, available at: <http://debates.parlamento.pt/catalogo/r3/dar/01/13/02/052/2017-02-17/29?pgs=29-37&org=PLC> (accessed in July 2017).

The bill initially proposed by the Socialist government was more ambitious than the final draft, particularly with regards to the sanctions to be applied to listed companies. A compromise was adopted in order to increase the probability of passing the law. Since the PCP was against the measure, the PS was forced to negotiate with the CDS. The CDS proposals of changes to the original bill sought to address companies' demands, which were clearly opposed to the law. The CDS legislative reports clearly stated several objections, mainly concerning the fines which would, in their opinion, make an already fragile economy even more fragile.⁵⁸ Therefore, in the last draft of the bill, the fines for listed companies were significantly reduced, hypothetically to the symbolic amount of one euro.⁵⁹ Aside from a few exceptions, opinions on the bill were favourable both inside and outside of parliament.⁶⁰

The PCP position was to be expected, considering that the party had voted against the electoral gender quotas in 2006 on the same grounds. According to the Communists, corporate gender quotas deal solely with a symbolic dimension of women's representation, since they only affect an elite group, while the major structural problems remain unsolved (salary inequality, career progression, parental leave, etc.).⁶¹ More surprising is the CDS position, which had voted against the Parity Law (in 2006). This time it decided to give a free vote to its MPs, thus enabling the passage of the law. The main person responsible for the CDS position on this matter was its female party leader, Assunção Cristas, who was a critical actor in this process as she managed to

⁵⁸ Report of the *Associação de Empresas Eminentemente de Valores Cotados em Mercado* and of the *Comissão de Mercado de Valores Mobiliários*, available at: www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=40919 (accessed in July 2017).

⁵⁹ Available at: <http://www.jornaldenegocios.pt/economia/detalhe/aprovacao-de-quotas-nas-empresas-tremida-ate-ao-fim> (accessed in July 2017).

⁶⁰ Available at: <https://www.publico.pt/2017/02/14/sociedade/noticia/mais-de-100-personalidades-e-50-organizacoes-subscvem-carta-aberta-em-defesa-da-paridade-nas-empresas-1761996> (accessed in July 2017).

⁶¹ See [note 57](#).

convince some CDS MPs to vote favourably. The CDS is a conservative party which traditionally does not talk about gender equality and is usually against quotas. By contrast, Cristas was publicly in favour of gender quotas and considered this law to be very connected to natality and work–family policies, which are preferred themes of the CDS.⁶² Cristas was trying to attract another kind of electorate to her party, although not without criticism from within its own ranks.

A similar situation had occurred during the previous government (2011–15), when the Secretary of State of Parliamentary Affairs and Equality, Teresa Morais of the PSD, was probably the most instrumental person in terms of passing the aforementioned Resolutions of the Council of Ministers. She was the government spokesperson to the media every time a measure was made public, and declared herself profoundly committed to gender equality issues.⁶³ She also took a clear stand in favour of gender quotas, going against her party, which had always been officially against them. However, as previously mentioned, the PSD is a heterogeneous party on this matter. In fact, although the party abstained from the final vote on the bill that eventually became law in 2017, the current president of the Republic, Marcelo Rebelo de Sousa, affiliated with the PSD, promulgated the law enthusiastically⁶⁴ – in sharp contrast to his predecessor (Cavaco Silva) who had vetoed the Parity Law in June 2006.

The centre-left government that pushed the corporate board quotas (CBQ) had also been working with another critical actor, the Secretary of State for Citizenship and Equality, Catarina Marcelino, who offers one important difference. Compared to Morais and Cristas, Marcelino – who appeared profoundly committed to gender equality⁶⁵ – is not at odds with her party's position.

⁶² Available at: <http://expresso.sapo.pt/politica/2017-06-25-Assuncao-Cristas-Fiquei-muito-feliz-por-ver-o-CDS-viabilizar-a-lei-das-quotas> (accessed in July 2017).

⁶³ Personal interview with Teresa Morais (2005).

⁶⁴ Available at: www.jornaldenegocios.pt/economia/seguranca-social/detalhe/sera-um-dia-feliz-para-marcelo-quando-der-luz-verde-as-quotas-nas-empresas (accessed in July 2017).

⁶⁵ Personal interview with PS MP Catarina Marcelino (2014).

Three other actors were very important to this process. Besides the CIG – mentioned above – another WPA, the Commission for Equality in Labour and Employment (CITE),⁶⁶ intervened. CITE specialises in fighting discrimination and promoting equality, specifically in labour, employment, and vocational training. Although CITE did not argue directly in favour of gender quotas in the economic sphere, it did call attention to the lack of women on administrative boards of companies and championed a promotional campaign aimed at raising awareness in different actors in order to change this trend.⁶⁷ When asked by the Assembly of the Republic to give their formal assent to the legislative bill, both CIG and CITE were in favour.

The EU appears as a very relevant factor, not only to the gender quotas law recently passed, but also to all the other documents approved since 2012. References to this international actor are made in many public interventions and also in the content of the resolutions and bills presented by both the current and previous governments. The EU influence was particularly visible in the first actions undertaken by the previous government (spearheaded by Teresa Morais), which clearly followed the challenge launched in May 2011 by the vice president of the European Commission, Viviane Reding, for European companies to adopt self-regulatory measures to promote the equilibrium between women and men on their administrative boards (Casaca 2014, 186). In fact in 2012 Teresa Morais contacted the twenty biggest Portuguese companies to propose the goal laid out by Reding. Only four of them then responded, and negatively. This anecdote shows not only the influence of EU incentives on national policy-making but also the pervasive resistance of the business elite to the principle of gender quotas.

⁶⁶ Available at: www.cite.gov.pt/en/about_us.html (accessed in January 2016).

⁶⁷ Available at http://cite.gov.pt/pt/acite/mulheres_conselhos.html (accessed in January 2016).

Throughout the whole process until the adoption of the gender quota law for companies, no constitutional provisions were called into question, neither in the official documents nor in the Assembly of the Republic legislative debates and public discourses. The exposition of motives of the 2017 PS bill begins with a reminder of Paragraph (h) of article 9° of the Constitution, which states that the promotion of equality between women and men is one of the fundamental tasks of the state. Then, the text proceeds with a description of the legislative framework for the current bill that started with the adoption of the Parity Law in 2006. This beginning seems to aim to immediately rule out any possibility of considering the bill unconstitutional, even if nobody in the PS expected such a bill to face constitutional issues.⁶⁸ In fact, the bill progressed as the party expected. The report that the Legislative Committee of Constitutional Issues, Rights, Freedoms, and Guarantees – which was the committee responsible for the discussion of the bill – issued in February 2017 clearly confirms its constitutionality.⁶⁹

7.4 Gender Regime and Discourses

The biggest transformations in the national gender narrative occurred during the long process leading up to the adoption of the Parity Law. A significant change was marked by the introduction of the word “parity” as a qualifier of the term “democracy” in the political agenda. The expression “parity democracy” appeared for the first time in a party manifesto in Portugal in 1991, in the PS manifesto for the legislative elections.⁷⁰ However, the PS commitment to parity has not been

⁶⁸ Personal interview with PS MP José Magalhães (2015) and email exchange with constitutionalist Vital Moreira (2016).

⁶⁹ Report of the Committee, available at: www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=40919 (accessed in July 2017).

⁷⁰ PS Party Manifesto, legislative elections, 1991, 175.

straightforward from that moment onwards. In fact, it took more than ten years for the PS to use the expression “parity democracy” again in a party manifesto.⁷¹ Even if the PS (headed by the aforementioned António Guterres) started adopting an identity as a party committed to gender equality in politics during the 1990s, it chose another narrative, marked by expressions such as “positive discrimination of the least represented sex.” The change in the conception of equality within the PS is visible in the bills introduced by the party concerning the political sphere (Table 7.1 in Appendix). While the 1998 PS bill emphasises “equality of opportunities for citizens of either sex” – with the word “parity” totally absent – all bills that the PS introduced from the year 2000 onwards have the word “parity” in their titles. The approval of a Parity Law in France in June 2000 might have motivated for the use of this expression in Portugal. In fact, the example of France is mentioned in the 2000 PS bill. The bill also states that “parity has a philosophical inspiration which differs from quotas, since parity considers the duality of humanity – i.e. the existence of male and female citizens – as its guiding principle.” The same idea is further developed by a PS MP: “for a long time, the equality issues were discussed from the point of view of the poor women who require special measures ... and that is not at all the party’s position ... The equality between women and men is an essential issue – which is in itself a condition – which defines the development of societies.”⁷²

The BE shares the same vision of gender equality,⁷³ as the word “parity” also appears in all of the bills introduced by this party concerning political representation. Since these are the only two parties that have been pursuing an agenda of gender equality in politics in an active way, it could be said that this agenda in Portugal has been characterised by a gendered conception of

⁷¹ PS Party Manifesto, legislative elections, 2002, 146.

⁷² Personal interview with PS MP Sónia Fertuzinhos (2005).

⁷³ Personal interview with BE MP Helena Pinto (2005).

democracy. Having said that, two factors raise a note of caution regarding this portrayal. First, by no means do all political parties share this vision of democracy, not even on the left wing. The second factor is that even the parties that pursue this agenda in Portugal operationalise parity in a soft way, i.e. not following the more commonly used 50/50 measure, but instead using a quota of at least 33 per cent for either sex.⁷⁴ This number is referred to in the exposition of motives of the 2006 PS bill (while the BE's bills have similar arguments) as the "parity threshold – a value above which it is possible to have an effective representation of the whole of humanity and an expression of its both masculine and feminine sides." Furthermore, after the law's implementation, gender equality in politics once again vanished from the political agenda, suggesting that the main actors are satisfied with the 33.3% representation threshold. Only a few NGOs are still engaged in achieving an increase in the threshold (50/50).⁷⁵ This lack of interest is visible not only in the absence of discourses on the issue but also in the way the law has been implemented. Although compliance with the law has been quite successfully achieved,⁷⁶ political parties only comply with its minimum requirements – very seldom do the lists surpass the 33 per cent minimum requirement for women's inclusion. This minimum effort is true even for the Socialist party. In contrast to Spain, in Portugal the statutory quota blurred the differences between parties with different commitments to gender-balanced representation (Verge and Espírito-Santo 2016).

While gender equality in politics has vanished from the political agenda, recent years have been marked – although not that intensely – by the debate on corporate gender quotas. Although it is too soon to analyse its implementation or what gender transformations it might provoke, it is

⁷⁴ 2006 bills from both the PS and the BE.

⁷⁵ For example: <http://plataformamulheres.org.pt/wp-content/ficheiros/2016/04/PpDM-Argumentario-afinal-o-que-e-a-democracia-paritaria.pdf> (accessed in January 2015).

⁷⁶ Apart from local elections, where a few problems remain.

curious to see that the word “parity” has been avoided both in the official documents and in the debates, even though the Parity Law marked the legislative framework of this law (as stated in the exposition of motives of the PS 2017 bill). The word is mentioned only once throughout the PS bill – and not in the title (in fact the bill has no title) – and it is not mentioned at all in the final law. Expressions such as “equilibrated representation between women and men” or “equality between genders” have been used much more often.

7.5 Conclusion

This chapter has focused on the process of gender quota adoption in Portugal. It has mainly tackled electoral quotas, but has also looked at the very recent steps towards gender quotas in the business sector. The situation in each sphere is very different. There have been party quotas since the 1980s and statutory electoral quotas since 2006, whereas the first measure with binding pressure related to the economic sphere passed in 2017. This chapter had two objectives. The first was to analyse the role, the interactions, synergies, and alliances of the most important (f)actors that pursue the adoption of gender quotas in Portugal, both in the political and the economic spheres. The second main objective of this chapter was to explore how gender quotas challenge and transform the political gender regime in Portugal.

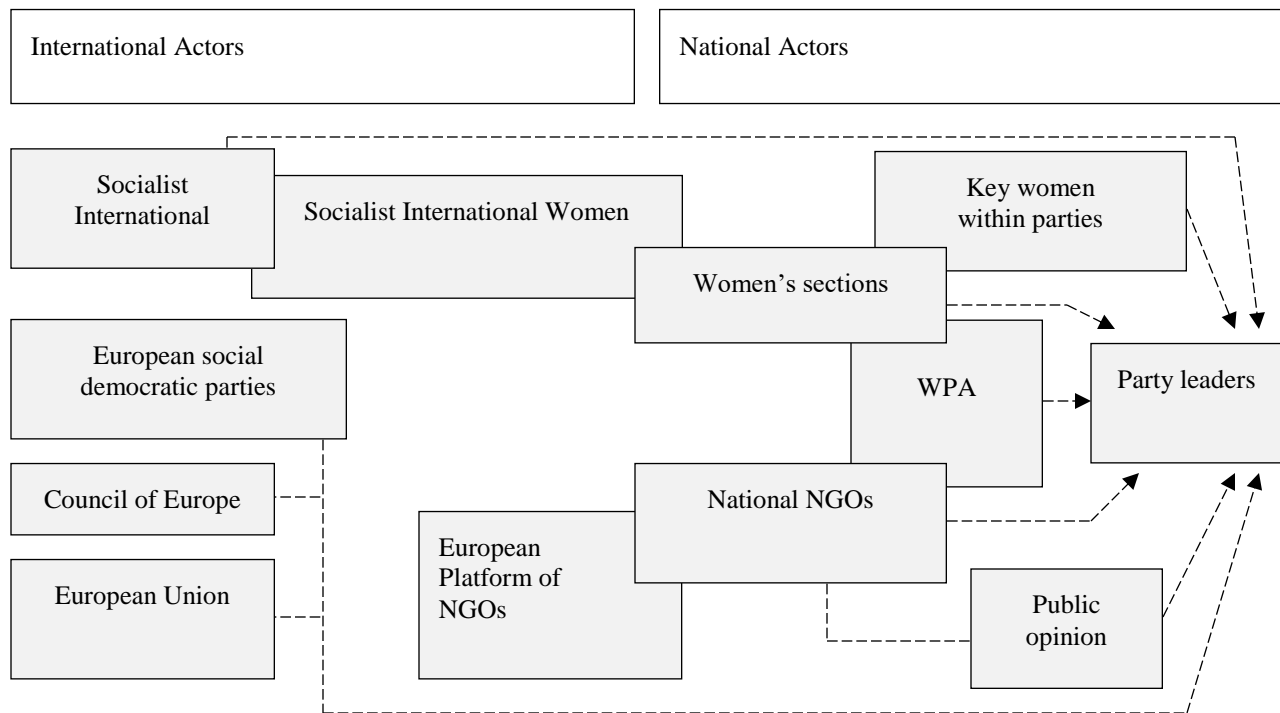
Concerning the first objective, as argued in Krook (2009), in the case of Portugal, we observe that gender quotas are the result of multiple groups of actors. In both spheres, some key women within political parties determined events, although there is a crucial difference between them. Whereas women activists mainly remained in the background in the case of the electoral quotas, they gave a face to the measures within the economic sphere in each of the governments

that have so far been involved in quotas for companies. The fact that two parties that officially oppose quotas either introduced legislation in that direction or contributed to enabling a related law shows that the simple presence of a key actor might tip the balance of ideology. Since the women's section in the PS is rather weak and not necessarily feminist,⁷⁷ being part of this organisation does not increase the likelihood of being a crucial actor in the pursuit of this agenda. But several women within the PS were very committed and were crucial to the passage of both the corporate and the electoral gender quotas laws.

The second determinant mobilising actor that applies to the measures adopted in both spheres is the presence of European and international actors. Besides the more or less direct influence that these actors might have on the parties and party leaders, their role is even more fundamental because they also intervene indirectly, i.e. through other actors. Figure 7.1 consists of an attempt to schematise the synergies between the most important (f)actors in Portugal. While some international actors, such as the SI, other European social democratic parties, the Council of Europe, or the European Union are likely to influence party leaders directly, these and other international entities (such as the SI women's section or the European Women's Lobby) are also important for setting the agenda of certain national actors, such as the parties' women's sections, the WPA, and the NGOs. These national actors then, with more or less success and relatively directly, try to impact party leaders. Accordingly, the international actors assume a crucial double role here.

Figure 7.1 – Synergies between the most important (f)actors for the adoption of gender quotas

⁷⁷ In May 2016, a feminist woman (Elza Pais) was elected President of the Women's Section and she has promised to take gender equality more seriously.



Furthermore, it is important to emphasise the synergies that arise between some national actors that might improve their likelihood of being successful. These synergies are only possible because there are some structures (and there were even more before the WPA was reformed, i.e. when the Parity Law was adopted) that enable the NGOs, the parties' women sections, and the WPA to come together.

Concerning the second objective, there are two critical moments to consider. The first occurs with the revision of the Constitution in 1997, when equality was first endorsed in a substantive way. Up until 1997, the Constitution clearly privileged a formal conception of equality, i.e. an equality based on equal treatment preventing discrimination or privileges based on factors such as race, sex, etc. There were very few exceptions, including for example protection measures at work for pregnant and postpartum women (Moreira 1998, 49). However, from the fourth

revision onwards, it has been part of a select group of constitutions that enable affirmative actions in favour of women's participation in the political sphere (Miranda 1998, 43) and in the economic sphere, implying a clear shift towards a substantive equality. The passing of quota legislation enhanced the entrenchment of substantive equality even further.

The second decisive moment happened when the political sphere began to view democracy in a paritarian way and to use this view as the main basis for the adoption of electoral quotas. While other motives are also presented – namely (a) the contribution to the improvement of the democratic system, (b) the question of justice (the equal rights argument), and (c) the idea that women's and men's different views of the world (due to historical and cultural reasons) complement each other (the differential framings argument)⁷⁸ – parity remains the background foundation that ultimately justifies the adoption of such artificial measures in the political sphere.⁷⁹ There has been an evolution from a discourse on affirmative action (bills introduced until the year 2000 by the PS) to a paritarian logic, implying a renewed conception of democracy. However, not all intervening actors agree with this vision – it is mostly the parties that have proposed the Parity Law that stand for it – and even these defend a soft parity, i.e. parity with a minimal representation threshold. In fact, as mentioned before, almost no one in Portugal seems to be currently engaged in a real parity. Furthermore, the paritarian conception of democracy remains a discourse for political actors, without much reflection in society – which continues to be rather indifferent to this topic.⁸⁰ Probably because of this, the paritarian lexicon was not used during the debate on gender quotas in the economic sphere that took place in 2017.

⁷⁸ The first two motives are present in both the PS and the BE 2006 bills, whereas the latter motive does not appear in the BE's bill.

⁷⁹ Since a debate about gender quotas in the economic sphere is only just beginning, it is hard to identify the main rationale behind it. However, the grounds of justice and equality seem to justify it.

⁸⁰ Recently in Parliament, the BE has recommended the alteration of the name of the Portuguese identity card from "Citizen Card" (which in Portuguese assumes the male version *Cartão do Cidadão*) to

While gender-balanced representative bodies are welcomed and a significant absence of women in powerful organs is often criticised, gender equality is not (yet) seen as a democratic requirement. Nevertheless, discourses against gender quotas – grounded on merit – are becoming progressively less common. In fact, the debate about corporate gender quotas enjoyed a certain consensus.

the neutral expression “Citizenship Card.” This recommendation did not get any support in Parliament and became a public joke.

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Appendix

Table 7.1 – Timeline of the bills introduced by the PS and the BE related to gender quotas Electoral:

1998 (PS): Proposta de Lei 194/VII, DAR II série A No.68/VII/3 1998.07.09
2000 (PS): Proposta de Lei 40/VIII, DAR II série A No.59/VIII/1 2000.07.15
2001 (BE): Projecto de Lei 388/VIII, DAR II série A No.38/VIII/2 2001.03.03
2003 (PS): Projecto de Lei 251/IX, DAR II série A No.76/IX/1 2003.03.13
2003 (BE): Projecto de Lei 324/IX, DAR II série A No.110/IX/1 2003.07.04
2006 (BE): Projectos de Lei 221/X, 222/X, and 223/X, DAR II série A No.93/X/1 2006.03.11
2006 (PS): Projecto de Lei 224/X, DAR II série A No.93/X/1 2006.03.11

Corporate:

2015 (PS): Projecto de Lei 1016/XII/4, DAR II série A N.º155/XII/4 2015.06.25*
2017 (PS): Proposta de Lei 52/XIII, DAR II série A N.º54/XIII/2 2017.01.18
2017 (BE): Projeto de Lei 406/XIII, DAR II série A N.º68/XIII/2 2017.02.10

* This bill expired without being subject to any debate or vote.