Political Representation in Portugal:

the years of Socialist majority 2005-2009

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PART TWO

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9 | Portugal's 2006 quota/parity law: An analysis of the causes for its adoption[56]

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Introduction

In recent years there has been a tremendous growth in the number of countries that have adopted gender quota policies as a means of redressing the persistent gender imbalance in political representation.[57] As a matter of fact, more than half of the world's political systems (at least 110 as of 2009) now use some form of 'positive discrimination' or 'fast track' quota strategy to help more women get elected (Dahlerup 2006: 218–26; Dahlerup and Freidenvall 2005; *The Economist* 18 September 2008; *International IDEA* 2009; Krook 2006b), and most of these reforms have appeared within the last 15 years (Krook 2009; Krook, Franceschet and Piscopo 2009).[58]

Not surprisingly, despite the controversial nature of quota policies, their relatively quick diffusion across various regions and types of political systems has led to a large and expanding research agenda focused on a wide array of important theoretical and policy questions (Dahlerup 2008; Krook 2009). Condensed to its essence, the literature on quotas has focused primarily on explaining

why quotas are adopted and/or why they have had differential effects on a wide range of potential dependent variables (Krook, Franceschet and Piscopo 2009: 2–3).

This chapter attempts to build comparative knowledge primarily in the former as it seeks to answer the question why quotas are adopted as an institutional reform in Portugal.

This type of reform is all the more puzzling since gender quota laws are almost always adopted, as in the Portuguese case, by overwhelmingly male legislators. So why do they do it? By following more or less explicitly the conceptual model provided by Mona Lena Krook (2009) as well as the seminal works of Drude Dalherup (2006) and Joni Lovenduski and Pippa Norris (1993; Norris and Lovenduski 1995) we seek to overcome some of the inherent problems of single-country case studies (Krook 2007).

In any case, we chose this path for two reasons: first, to date nothing has been published about the adoption of the Portuguese quota law, and second, it is too early to analyse the success of its implementation or other consequences that it might produce on citizens' political attitudes in the future.

In Portugal, apart from existing research on the condition of women in general (Cabral 1997; Ferreira 1999), there are some other studies focusing on women's status in politics (Baum and Espírito-Santo 2004; Bettencourt and Pereira 1995; Campos 2005; Espada, Vasconcelos and Coucello 2002; Silva 1993; Viegas and Faria 2001). However, there is a significant lack of scholarship on the implications of political institutions for

female participation in politics (Martins and Teixeira 2005; Viegas and Faria 2001).

This study is based on two different sets of original primary data. The first set comes from a project coordinated by André Freire and José Manuel Viegas (2009), which includes a national public opinion poll of eligible voters nationwide conducted in 2008.[59] The second set comes from a project developed by Ana Espírito-Santo in 2005, which provides content analysis of the manifestos presented by each party before each legislative election from 1976 to 2005 and semi-structured face-to-face interviews conducted with 19 people, most of whom were women who either currently serve or formerly served as deputies from all the parties analysed (Espírito-Santo 2006).[60]

With respect to the role of opinion makers in the print media, we rely on an unpublished content analysis of newspaper editorials and coverage carried out by two Portuguese communication scholars (Silveirinha and Peixinho 2008).

The chapter is organised as follows. After a review of the literature on very recent studies on the adoption of gender quotas, we contextualise the Portuguese parity law. Then we dedicate one section to each one of actors/factors that played an important role in the adoption of the parity law. The main factors we identified are organised into four groups of variables: civil society factors such as the Portuguese print media and key opinion makers; state actors, such as the political parties and the President of the Republic; international and transnational actors, including the European Union and international organisations and

transnational parties; and finally, local political context variables, in this case Portuguese public opinion and the role of the electoral system. We then develop our conclusions in light of research findings on the adoption of quota laws in other countries.

Models of gender quota adoption

To date most of the research on the adoption of gender quotas has taken a case-study approach, focusing on their adoption in single countries or possibly their diffusion within a certain world region (Dahlerup 2006; Matland and Montgomery 2003). In what is almost certainly the most up-to-date effort to integrate this burgeoning case-study literature into a coherent conceptual framework, Mona Lee Krook (2009) takes a global perspective and organises her seminal literature review in such a way as to provide a useful template for our own analysis of the Portuguese case.

Krook (2009: 9–11) argues that studies of gender quota adoption have essentially followed four main accounts. First, many studies have found women's groups are usually at the forefront of any push for quota measures. Such groups may include women's sections within political parties, women's movements outside of the parties within civil society, international women's groups and even individual women close to powerful men (Kittilson 2006; Krook 2006a). Because women's increased access to the political resources thought crucial for breaking the glass ceiling in politics have only provided for glacial progress to date, these groups view quotas are necessary as a 'fast-

track' strategy to significantly enhance women's representation in politics (Dahlerup and Freidenvall 2005; Bacchi 2006).

The second account tends to focus on the role of (typically male) political elites and their strategic reasons for adopting quota measures. As Krook (2009: 9–10) reminds us, various case studies highlight the importance of contagion—as party elites often adopt quotas when one of their rivals adopts them (Caul 2001; Meier 2004).

Similarly, case studies from Brazil (Htun and Jones 2002) and France (Bird 2003) show elites may also use quotas as an empty gesture, 'as a way to demonstrate a degree of commitment to women without actually intending to alter existing patterns of inequality' (Krook 2009: 10). Alternatively, elites may sometimes use quotas 'as a convenient means to achieve other ends, like maintaining control over rivals within or outside the party' (Krook 2009: 10; Panday 2008). These stories of quota adoption remind us political elites often have conflicting motives for enacting such a reform.

A third set of studies suggests quotas are adopted when they mesh with 'existing or emerging notions of equality and representation' (Krook 2009: 10). One of the more consistent findings in the literature has been the correlation between quota adoption and left-wing parties, which are generally more open to measures designed to promote greater social equality—although Dahlrup (2006) cautions us about the numerous exceptions to this rule (Bonomi, Brosio and Di Tommaso 2006; Norris and Lovenduski 1995; Opello 2006; Paxton and Kunovich 2003).

Others see gender quotas as just another tool that seems to fit well with more consociational types of democracies, to use Lijphart's term (1999). These democracies tend to be associated with electoral systems favouring a more proportional form of representation for different cleavage groups in society: for example, those based on different linguistic, religious, racial or other categories (Matland and Taylor 1997; Matland and Montgomery 2003). While such studies are relatively loose in their association with one another, they can be said to share arguments that analyse quotas in terms of their degree of 'fit' with the specific features of the national political context—either institutionally or attitudinally.

A fourth account suggests international norms and networks help spread the gospel of gender quotas through transnational sharing. Krook suggests these norms can shape national quota debates in at least four ways (Krook 2009: 10–11). The one way that most clearly applies to the Portuguese case is through transnational emulation, which occurs where transnational non-governmental organisations share information about quota strategies with local women's movements (and/or women's groups within national political parties).

Thus, based in part on the approach identified by Krook (2007; 2009), Table 9.1 presents the actors we identify as having been involved in the quota adoption process in Portugal. Since these agents and factors interrelate with one another, their formal separation here is meant more as a heuristic device. For instance, the mass media and its key opinion makers might be expected to have a substantial impact on public opinion, and party elites clearly pay heed

to public opinion and civil society actors as they develop their strategies and positions, all three of which may be influenced by international actors.

We also recognise opposition parties, while not state actors per se, seek to eventually capture state power and are privileged social actors in the Portuguese context in ways other civil society actors are not. Finally, we are aware drawing a clear boundary between political parties and civil society groups is fraught with difficulties (USAID 2004; Ware 1997).

Table 9.1: Actors/factors directly or indirectly involved in the quota adoption in Portugal

Civil society actors	State actors	International and transnational actors	Political context
Mass media and opinion makers	Political parties	Transnational parties	Public opinion
	President of the Republic	European and international organisations	Electoral system

With those caveats in mind, this chapter seeks to understand which actors played the most important role in the adoption of the parity law as well as the motivations behind the actions of each player. Before proceeding with that
examination, let us briefly contextualise the Portuguese 'parity' law.

Contextualising the Portuguese law

The military coup of 25 April 1974 marked the end of 48 years of authoritarian rule in Portugal (1926–74) and led to the establishment of a democratic regime. Only after this date did women and men start having the same rights under Portuguese law. The principle of equality was guaranteed by the constitution, which became effective on 25 April 1976.

The fourth revision of the constitution (Sousa, Guedes and Mendes 1997) was particularly important for two reasons. First, among the state's responsibilities, in article nine it introduced the duty 'to promote equality between men and women'. Second, two major changes were made to article 109, which refers to the citizens' rights to political participation. The reference to 'direct and active participation of citizens in political life' was changed to refer expressly to 'men and women' and it gave the law the possibility and even the duty to advance special measures of positive discrimination to ensure women's political participation: 'the law must promote equality in the exercise of civic and political rights and non-discrimination in terms of gender regarding access to public positions' (Sousa, Guedes and Mendes 1997).

The first attempt to introduce a gender quota law followed in 1998 by the centre-left Socialist Party, which at that time controlled only 112 of the 230 seats in Portugal's unicameral Assembly of the Republic (seventh legislature, 1995–99) (DAR 2009).

After the 1999 elections, the Socialist Party retained exactly half of the seats in the Assembly of the Republic

(eighth legislature, 1999–2002). Parliament rejected the 1998 proposal and two other bills introduced in 2000 and 2003 by the Socialist Party, as well as two more introduced in 2001 and 2003 by the more extreme-left Left Bloc (DAR 2000; 2001; 2003a; 2003b).

All of these bills argued for a fixed number of candidates of each gender on party nomination lists. However, in April 2006 the Socialist Party enjoyed a majority in parliament and its bill, along with three bills from the Left Bloc, passed on their general principles in the Assembly of the Republic with the support of all Socialist Party and Left Bloc deputies (DAR 2006b; 2006c).[61] These four bills were very similar. Both proposed the adoption of 33 per cent minimum representation of each gender at all three levels (local, legislative and European), and both used the word 'parity' in the title of the bills as well as in their content.

The word 'parity' was absent only from the first bill each party presented (1998 for the Socialist Party and 2000 for the Left Bloc), even if none of the bills proposed truly equal access to elective positions, which is the usual definition of 'parity' (Opello 2006: 8).[62]

There were two differences between the Socialist Party and Left Bloc's bills: while the former suggested the approval of a new law, the latter opted for changing the existing electoral law. The second difference is the introduction to the Left Bloc's bills mentioned the importance of having a proportional electoral system for the election of women—an idea which the Socialist Party tends to be less committed to given ongoing debates about

the future of the country's electoral system (Freire et al. 2008).

Eventually, the consolidation of the four approved bills led to the publication of a decree by the Assembly of the Republic (DAR 2006d).[63]

Vetoed by the president in June 2006, who considered the sanctions envisioned by the decree as excessive, the decree was sent back to parliament and amended.[64] The main amendments were first, an imposition of fines on parties with non-compliant lists instead of the initial outright rejection of such lists, and second, the insertion of an article requiring the parity law to be re-assessed in five years, based on its impact on gender balance in Portuguese electoral politics.

The bill passed again, although this time only with the support of the Socialist Party. The main reason for the Left Bloc's decision not to sign it was the new less stringent punishment mechanism. The new decree was promulgated by the president in August 2006 and published on 21 August 2006 (DAR 2006e; 2006f).

According to the parity law, lists for the Assembly of the Republic, the European Parliament and the local elections are composed in such a way as to ensure a minimum representation of 33 per cent from both genders.

In order to guarantee this, the multi-member lists presented cannot contain in consecutive order more than two candidates of the same gender (what is frequently referred to as 'the zipper principle'). The latter rule, however, does not apply to the composition of lists for the bodies of communities (*freguesias*) with 750 or fewer voters or for municipalities (*municípios*) with 7500 or

fewer voters.[65] At the moment this accounts for 1800 *freguesias* (42.3 per cent) and 76 *municípios* (24.7 per cent).[66]

Non-compliance with the quota will result in a 25–50 per cent reduction in public subsidies for the electoral campaign of said party or coalition. A 50 per cent reduction is applied when the presence of one of the genders on the lists is lower than 20 per cent, while when that presence is between 20 and 33 per cent the reduction is only 25 per cent. None of these punishment mechanisms applies if the list is shorter than three candidates.[67]

Analysing the actors' roles

Civil society actors: The mass media

Since the debate over gender quotas in Portugal was played out in the public sphere it is important to consider the role of the mass media (particularly television, the main channel through which most Portuguese receive their political news) and of key opinion makers.

By opinion makers we mean that class of paid editorial writers and political commentators who regularly appear in print and on television news shows, known in many countries as 'public intellectuals'. While they have been a regular feature of the Portuguese media for some time, to date the role of these privileged actors in the gender quotas debate has not been well documented.

Our analysis relies on an unpublished conference paper by two scholars of Portuguese media and communication (Silveirinha and Peixinho 2008). The data for this paper

consists of all opinion articles published in the main Portuguese newspapers during 1999 (regarding the 1998 Socialist Party's parity proposal) and in 2006 (on the parity law). Silveirinha and Peixinho's dataset included 30 and 29 articles, respectively, for each year.

In respect of the two key moments of public debate on the matter of gender quotas in Portugal, in 1999 a total of 15 texts were opposed to the law, eight were in favour and seven were broader analyses without a clear position. In 2006 there was more balance: 15 texts were in favour of the quotas, 12 opposed them and two did not take a position (Silveirinha and Peixinho 2008: 5). Clearly the opinion-makers and print media editors provided a more receptive environment for gender quotas in 2006 than the first time this issue seriously entered the public debate.

According to this study, in both periods the issue was defined primarily in terms of the lack of women in Portuguese politics, though in 2006 more texts mentioned other forms of gendered discrimination in Portuguese society.

Curiously, several of the 2006 texts noted how many other countries around the world had adopted some form of gender quotas, while in 1999 opponents cited the relative dearth of such examples in Europe as a reason for opposing them. In other words, attention to what was happening outside Portugal appears to have had a significant influence on the debate in 2006, as many authors cited the need to avoid laggard status in these matters.

Perhaps more importantly, while in 1999 the term 'quotas' was the key word used, in 2006 'parity' became the name of the law—despite the fact none of the bills

actually proposed a 50 per cent distribution of candidates by gender (Silveirinha and Peixinho 2008: 8). Previous research on Portuguese voters' behaviour in referenda—for example on abortion and regionalisation—suggests language and framing matters greatly (Baum and Freire 2003; Freire 2008), and so this linguistic turn of phrase appears to have been useful for the supporters of gender quotas.

State actors: Political parties

Although both the Socialist Party and the Left Bloc were clearly involved in the adoption of the parity law, their roles were distinct.

Regarding the approval of the law itself, the most obvious difference between the parties is the Left Bloc did not support the amended version of the decree: namely, the one drafted after the president's veto, which eventually became law. The imposition of fines on political parties with non-compliant lists instead of the rejection of such lists was not supported by the Left Bloc, which favoured stronger sanctions on non-compliant parties. Nevertheless, both parties have a past associated with the defence of greater female representation in politics in Portugal.

The Socialist Party was formally founded in 1973, during the Portuguese dictatorship.[68] Since 1976 its strategy towards gender equality has evolved dramatically. During the first decade of democracy the average proportion of women occupying eligible places on the Socialist Party candidate lists and those actually elected did not reach five per cent. However, during the seventh party congress in

1988 an important measure for gender equality was implemented at the suggestion of Vítor Constâncio (Socialist Party leader June 1986–February 1988). The measure was an internal quota system of 25 per cent, which was approved for both the national party organs and all multi-member lists.

Although this measure had some immediate consequences on the number of women elected to national assembly and national party organs, it was not fully implemented until 1999. While this delay was probably linked to opposition within the party (which Constâncio mentioned while being interviewed), it may also have been indicative of the evolving depth of the commitment to gender quotas within the party prior to the mid-1990s.

Starting in 1995, however, the Socialist Party intensified its strategy to support the election of women, and officially defined itself as a party committed to increasing women's presence in politics. The most important step in this direction was the defence—for the first time— of positive discrimination measures in the 1995 election manifesto (Partido Socialista 1995: 1–5). This then forced the party to fully implement its internal quota system at the next scheduled elections in 1999, resulting in a considerable increase in the proportion of women Socialist Party representatives in parliament.[69]

Between 1995 and 2005, an average of 21.2 per cent of the Socialist Party deputies were women, while the average percentage of Socialist Party women candidates reached nearly 25 per cent.[70] Moreover, on several occasions since 1998 the Socialist Party has presented draft legislation proposing the nationwide implementation of positive

discrimination measures to support the election of women. The last of these became the parity law.

Whereas the Socialist Party took more than ten years to really get behind the concept of gender quotas, the Left Bloc has been placing more and more importance on female representation within political structures ever since it was founded in 1999.

Over the last few years the Left Bloc's intensified interest has been evident in the content of its election manifestos as well as in the proportion of women the party has elected to the Assembly of the Republic. In relation to the latter, the Left Bloc has always had a sizeable proportion of women on its candidate lists (on average 39 per cent).

In the 2005 legislative elections, the Left Bloc elected eight deputies, four of whom were female, and as of the September 2009 elections, six of the Left Bloc's 16 deputies are women. According to both Left Bloc deputies interviewed, this happened because the Left Bloc follows a 'soft quotas' measure of 33 per cent, as described by Krook et al. (2009: 784).[71] As stated above, the Left Bloc has presented two bills since 2001—both of which were defeated—promoting greater gender balance in all multi-member lists. In 2006 the party presented another bill that, while defeated when put to a vote, was eventually incorporated into the parity law.

In Portugal, the more left wing a party is the higher the percentage of women it elects (see Figure 1). According to a questionnaire answered by Portuguese experts in 2003 (CSES 2009), on a left-right continuum (where 0=left and 10=right), the Left Bloc is the most left-wing Portuguese

party (1), followed by the Portuguese Communist Party (2). The Socialist Party occupies a more central position, although still slightly to the left (4). The two remaining parties are the more right wing Social Democratic Party (7) and the Social Democratic Centre-Popular Party (8).

First observable in the early 1990s, the tendency for left-wing parties to elect more women has become more pronounced since the 1999 elections (see Figure 9.1). The overall rate of feminisation of the Portuguese parliament has also steadily increased since that period, rising from 7.6 per cent in 1987 to 27.4 per cent in 2009 (CNE 2009).

More accurately, however, the influence of ideology was already evident at the beginning of the democratic period in the late 1970s.

When the topic of women's political representation was far from reaching the visibility that it has at the moment, the Communist Party already had the highest proportion of women elected representatives among the parties.[72] The Communist Party was also the first Portuguese political party to defend the importance of greater female participation in politics in its party manifesto (Partido Comunista Português 1979: 7). However, the Communists voted against all bills aiming at implementing quotas on the grounds the gender gap in political participation had socio-economic origins and that such quotas would only be a facade solution.

The remaining two political parties are the Social Democratic Party and the Social Democratic Centre-Popular Party.

The Social Democratic Party's strategy towards women has rather undefined contours, not only because the party

suffered oscillations in strategy resulting from leadership changes, but also because it is a very heterogeneous party on this matter (people within the party have very different opinions).[73] Despite this, the official Social Democratic Party position was (and is) opposed to quotas. In fact, the

Figure 9.1: Percentage of women deputies by party (1976–2009)

Socialist Party

Social Democratic Party

Democratic and Social Centre

Democratic Unity Coalition

Left Bloc

Total
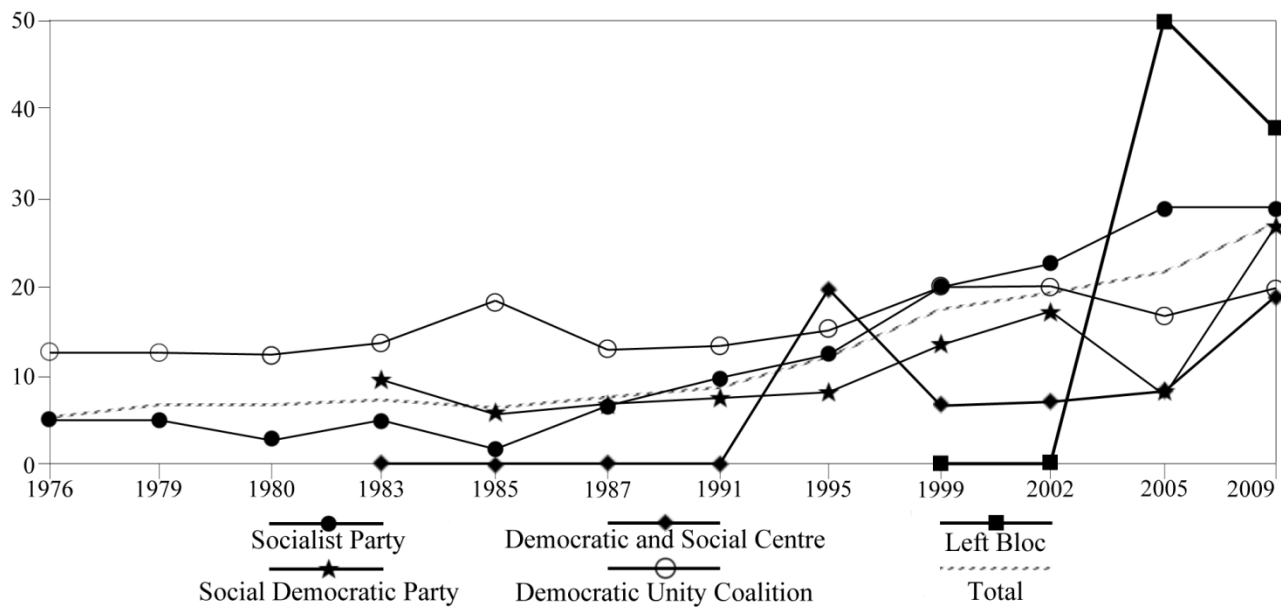
party voted against all bills related to the introduction of a national quota system (Ruíz Jimenez 2009).

The same applies to the more homogeneous Social Democratic Centre-Popular Party, the official stance of which against quotas was upheld by the women deputies interviewed. For them gender equality in politics was not an important issue for the party because there was no gender discrimination within the party. However, as Figure 9.1 indicates, the proportion of women deputies representing this party has always been very low (the exception being the 1995 elections).

Notwithstanding its rejection, several authors agree the 1998 Socialist Party bill on positive discrimination mechanisms for women contributed tremendously to increasing public exposure of this issue in Portugal (Ruíz Jimenez 2002: 293; Martins and Teixeira 2005: 83; Viegas and Faria 2001: 51). In fact, Figure 9.1 demonstrates that since the mid-1990s all political parties have seen increased female representation in their parliamentary groups. Both Ruíz Jimenez (2009: 240–1) and Viegas and Faria (2001) argue this is evidence of how those parties in government can set the agenda and exercise influence over the gender policies of parties in the opposition.

The Left Bloc's actions have also probably had an influence on other parties, in particular the Socialist Party, in terms of raising greater awareness for the issue of women's political representation. For both the Socialist Party and the Left Bloc deputies interviewed, their party was the main advocate of this matter in Portugal.

In Lovenduski and Norris' view (1993: 14), 'there is no party in which efforts to nominate more women have

occurred without an intervention by women making claims.' Furthermore, Ruíz Jimenez, (2002: 470), in her comparative study of the Spanish Popular Party and Portuguese Social Democratic Party cases, concluded one of the predictors that makes the Popular Party less conservative in regards to 'women's issues' is the fact it, unlike the Social Democratic Party, has an influential women's organisation (Ruíz Jimenez 2002: 470).

Of the Portuguese political parties, all three on the left— the Left Bloc, the Portuguese Communist Party and the Socialist Party—have women's organisations either in the form of an established section (the Portuguese Communist Party and the Socialist Party) or a working group (the Left Bloc).

The Socialist, Communist and Left Bloc deputies interviewed stated most of the evolutionary processes their parties have experienced in relation to women's issues can be attributed to the actions of (some) women, irrespective of the individuals' membership in women's sections or organisations. Nonetheless, this type of influence is very hard to prove given its low profile and indirect character. Furthermore, most initiatives are carried out by men, since men assume the overwhelming majority of important political positions.

A good example of this difficulty is the quota system adopted by the Socialist Party in 1988. As mentioned above, Vítor Constâncio, who was then the president of the Socialist Party, proposed the adoption of this measure. However, it is unclear whether the idea was originally his or whether he was influenced by a woman or a group of women within the party. This assumption seems likely considering during the

1986 congress Socialist Party member Maria Belo proposed a motion raising this particular issue for the very first time.

Finally, there are no formal links between the few non-governmental organisations focused on gender discrimination issues and leftist political parties,[74] although it is probably fair to assume a certain amount of ideological sympathy, especially with respect to the former's efforts to enhance the visibility of gender discrimination issues within Portuguese society. Moreover, despite a formally bottom-up structure, women's organisations within Portuguese left-wing parties are constrained by the relatively high degree of centralisation existing within these parties—particularly the Socialist Party (Van Biezen 2003: 69).

State actors: The president of the republic

The president played a key role in the adoption of the parity law since his veto of the first version of the decree led to a new version with gentler sanctions on non-compliant parties. In other words, without the president's intervention the law would have been stronger. It would not include the clause to revisit the law in five years and instead of fines it would have provided for the outright rejection of non-compliant party lists.

The president considered the latter measure excessive, disproportionate and therefore inadequate to fulfil the objective of the law. In his opinion, draconian punishment mechanisms would threaten both the freedom of the parties and the dignity of the women elected (DAR 2006). He also cited the difficulties the original law would create for parties organising lists in the local elections, particularly in interior

municipalities where the electorate is numerically small and more elderly than large urban districts (*Público* 2 June 2006).

Given the president's affiliation with the Social Democratic Party, which is officially opposed to quotas, his decision not to use all of the constitutional powers at his disposal to veto the law entirely or to send it for judicial review is to be noted. A precedent for doing so took place in France in 1982, when judicial review by the constitutional court managed to prevent parliament from passing a 25 per cent quota law (Opello 2006: 8). By contrast, President Cavaco Silva chose not to ask the court to study the constitutionality of the law, despite calls from opposition parties to do so. In any event, the fourth revision of the constitution in 1997 would probably have pre-empted the court from declaring the law unconstitutional.

Despite the presidential veto that weakened the law in the eyes of its defenders, one could argue some of the benefits of Portuguese semi-presidentialism were reinforced during this episode, with the president serving as a moderating influence and not a destabilising one for the government of the day (Freire 2001).

International and transnational actors: Transnational parties

This section is based on statements by 19 people, most of whom were women who either serve or previously served as deputies and who were interviewed in 2005 as part of a related project (Espírito-Santo 2006). There has been no analysis of the international examples referred to in these statements in order to confirm their accuracy. Only two

people, a Socialist Party and a Social Democratic Centre-Popular Party member, referred to party families or European parties as influences on their respective party's strategy concerning the election of women. Since the Social Democratic Centre-Popular Party did not contribute to the adoption of quotas, we will refer only to the Socialist Party.

With respect to the question, 'where did the Socialist Party get its inspiration to delineate its strategy concerning women?', Sónia Fertuzinhos (past president of the Socialist Women's Section) mentioned both the Socialist International and the Party of European Socialists. According to another Socialist Party deputy, Maria do Carmo Romão, many parties belonging to the Socialist International has women's departments, which are also represented in the Socialist International.[75]

In the late 1970s the first women's organisation within the Socialist Party—the Socialist Women's Movement—was created. According to a report its founder Mário Soares (Socialist Party leader October 1976–June 1996) delivered to the third Socialist Party congress (1979: 103), the inspiration for establishing the group came from the Socialist International. This is the only policy measure with an origin that can be proved to have an association with this body; however, it is safe to assume the type of contact this organisation generates among the many usually quota-friendly social democratic parties has played at least some role in the way the party has evolved on this issue.

Irrespective of the Socialist International, the Socialist Party might have also been influenced by other foreign social democratic parties. During the interview Vítor Constâncio claimed he had been inspired by events in other European

countries, particularly Norway. Furthermore, in 2000 the Socialist Party attempted to implement the parity principle on a national level through their draft legislation, where a direct reference to the French case was made (Government Draft Legislation 2000: 14).[76]

International and transnational actors: European and international organisations

During the last 50 years, international organisations have played a crucial role in advocating equality between women and men (UNDP 1995; Rees 1998). Portugal has been affected primarily by three organisations: the United Nations, the European Union and the Council of Europe. Although it is very difficult to identify exactly which organisation was determinant for the adoption of quotas in Portugal, it is clear the evolution of the positions of both the Socialist Party and Left Bloc followed the evolution of those three organizations. In fact, of the analysed parties, the Socialist Party and Left Bloc are the only ones to have adopted strategies recommended by international precedents. This idea can be confirmed through an analysis of the parties' strategies (the adoption of the parity democracy concept is the most paradigmatic example of this) and through the several references to international recommendations and guidelines contained in their draft bills as well as in their election manifestos (Espírito-Santo 2006).[77]

In what specifically concerns the bills that eventually led to the parity law, it is striking to observe the Left Bloc's bill clearly states the main international recommendations have underlined the need for concrete measures to guarantee the

parity of genders. It goes on by giving specific examples, namely the role of the Platform for Action of the 1995 Fourth World Congress on Women in Beijing, which suggested governments improve their electoral systems in order to ensure greater female representation. It also references the Council of Europe's Recommendation 1269 (1995), which notes the democratic need for a greater sharing of responsibilities between genders in all spheres of life and society, including political decision-making.

Although the Socialist Party's bill that led to the parity law did not include any reference to international organisations, the fact they were present in a previous Socialist Party parity bill leads to the same conclusion as in the case of Left Bloc.[78]

Political context: Public opinion

As stated above, several studies of quota adoption have suggested such positive forms of discrimination are enacted when they mesh with 'existing or emerging notions of equality and representation' (Krook 2009: 10). Moreover, as Inglehart and Norris (2003: 138) demonstrate, the level of a society's support for the idea of gender-balanced political leadership and the percentage of women elected to national parliament tend to be correlated.

Freire and Viegas' (2009) set of public opinion data helps us assess the extent of the acceptance of parity principles within the Portuguese electorate—not exactly when the law passed, but in 2008. This dictates some caution when analysing the data as the citizens' attitudes may have been influenced by the passage of the parity law. We know

already from the study of Meirinho, Martins and Teixeira (2005), using data from a questionnaire applied in March 2005, that more than half of the national citizens (even more among women) were in favour of the implementation of a quota system in parliament.

To facilitate our discussion of the relevant data, we have organised the variables into the following three topics: 1) questions or statements about quotas or positive discrimination for women in general, 2) the nature of representation in general and 3) the nature of the Portuguese parliament and/or its parties (see Table 9.2).[79]

Clearly, since they have different numbers of item responses, these questions are not ideal in terms of comparability to one another. Nevertheless, Table 9.2 indicates that in terms of specific support for gender quotas and/or forms of positive discrimination more generally, Portuguese public opinion is sensitive to question wording.

For example, while about one-third of respondents typically share a non-committal opinion on these items if given that opportunity, a clear plurality of electors thinks 'quotas are a necessary measure to address the under-representation of women and increase their numbers in parliament' (47 per cent agree overall—42 per cent men and 51 per cent women—while only 20 per cent of both sexes disagree with this idea).

Similarly, there is widespread support for the idea 'mechanisms that can help increase the presence of women in politics should be created' (74 per cent agree: 68 per cent men

Table 9.2: Survey items by group and gender differences, 2008 national sample survey

Questions/statements	Men % agree	Women % agree	Sig.	Phi/Cr.V	% missing
Quotas or positive discrimination for women in general					
Quotas are a necessary measure to address the under-representation of women and increase their numbers in parliament.	42.3	50.9	0.015	0.105	16
Quotas are not necessary. Women should be elected on merit. (4-item responses, no middle)	55.6	53.4	n.s.		10
The nature of representation in general					
Mechanisms that can help increase the presence of women in politics should be created.	67	79.6	0.000	0.15	7
Men can sufficiently represent the interests of women in politics.	47.5	36.5	0.000	0.18	8
On the whole men make better political leaders than women do (4-item response, no middle)	44.5	21.4	0.000	0.269	11.3
In your opinion, a deputy represents above all: Women, in the case of a female deputy and men in the case of male deputies	22.6	17.9	n.s.		4
The nature of the Portuguese parliament and/or its parties					
The fact 80 per cent of deputies are men is a serious threat to democracy (4-item responses, no middle)	36.5	55.8	0.000	0.171	15
Parties should have an equal number of men and women on their candidate lists	52.7	57.8	0.001	0.122	8
Do you feel your parliament should have many more …Women parliamentarians	17.6	29.8	0.000	0.158	12

Source: Portuguese Mass Survey (2008), in Freire, Viegas and Seiceira (2009).

versus 80 per cent women), and 'parties should have an equal number of men and women on their candidate lists' (55 per cent agree—53 per cent men, 58 per cent women—only 10 per cent disagree).

In addition, of all the under-represented groups voters could have wanted more of in parliament, women were clearly the most favoured (75 per cent saying at least some more women), compared to youth (70 per cent), handicapped (47 per cent), blacks (38 per cent) and elderly (23 per cent).

Finally, 67 per cent of Portuguese reject the idea 'men make better political leaders than women', which suggests a generalised rejection of essentialist arguments about gender roles in politics. On the other hand, of all the items we looked at from this survey, this item had the strongest gender gap between respondents, with 78 per cent of women rejecting this opinion against only 55 per cent of men.

In light of all these items, one could argue there is widespread support for some positive forms of discrimination in favour of women, and that support for these measures is stronger among women than men. Thus, public opinion appears to be generally favourable to the parity law, confirming Meirinho Martins and Teixeira's results (2005).

However, when the questions are worded differently a majority of voters are also willing to agree with the argument most often advocated by parties opposed to the quota law, that 'quotas are not necessary, and women should be elected on merit,' (55 per cent agree, no gender difference).

Overall, voters do not see a deputy's role as being primarily about representing any specific gender group and a plurality agree male deputies can sufficiently represent

women's interests. Furthermore, when asked if they agreed with the statement 'the fact 80 per cent of deputies are men is a serious threat to democracy,' opinion was evenly divided amongst the sample (48 per cent agree overall), although there was a fairly strong gender difference on this item, with only 37 per cent of men agreeing compared to 58 per cent of women (p=0.000; Phi.171). In other words, as with so many public policy issues, polling will only take political elites so far in terms of helping them gauge how voters feel about this issue.

The fact mass attitudes about gender discrimination in Portugal vary so much depending on the item suggests either the survey items themselves are flawed or the saliency of this issue area for Portuguese respondents is comparatively low and therefore more prone to inconsistencies than other public policy issues of greater concern. Nonetheless, despite these inconsistencies Portuguese respondents appear to be generally supportive of the idea of gender-balanced political leadership, which may indicate an environment in which 'existing or emerging notions of equality and representation' are not a serious obstacle to the new parity law.

Political context: Electoral system

Numerous studies have demonstrated a strong correlation between democracies with proportional electoral systems—in particular those with closed lists, large average district sizes and centralised party-list nomination processes—as the most favourable institutional environments for electing women to parliament (Darcy, Welch and Clark 1994; Htun and Jones 2002; Matland 2006; Vengroff, Creevey and

Krisch 2000). Moreover, these conditions also happen to be the most favourable institutional feature for the implementation of legal party quotas. In Matland's words, candidate quote laws 'are almost exclusively the realm of multi-member district electoral systems, usually proportional systems, but occasionally mixed systems' (2006: 281).

Portugal fits the bill here in at least three out of the four facilitators as it has a proportional representation system with closed and centralised party lists (for most parties), although its 22 electoral districts for 230 deputies places it somewhat on the small side in terms of average district magnitude (Taagepera and Shugart 1989). Portugal's average party magnitude— the number of seats in each party's district delegation (Matland 2006: 284)—is also conducive to the effectiveness of Portugal's new legal quota law.

Moreover, the Portuguese case confirms Matland and Studlar's (1996) work on the logic behind contagion among parties. Their version of contagion theory suggests that as smaller but competitive parties, usually on the political fringe, start to actively promote women, larger parties will move to emulate them (1996: 712). This kind of contagion occurs in both majoritarian and proportional representation-style electoral systems.

However, as they demonstrated by comparing the Canadian and Norwegian cases, the process will be more effective in bringing women into office and spread more quickly in multi-member proportional representation systems. This is because proportional representation systems, like Portugal's, tend to elect a greater number of parties into the system, which allows a space for smaller parties to innovate: for example, in terms of nominating more women

candidates. This typically pushes the mainstream parties that might have otherwise gone slower on the gender equity issue (read, the Socialist Party) to follow suit lest they be in danger of losing votes to an ideologically similar party on their left (read, the Left Bloc).

While it is true the Socialist Party began its process of introducing gender quotas for its electoral lists and national party organs in 1988, 11 years before the Left Bloc appeared on the scene in, it did so only half-heartedly until the late 1990s. We argue it finally started to draft legislation for legal gender quotas in 1998, and implemented its own voluntary internal quotas in 1999 at least in part due to strategic competition with the Left Bloc, which appeared more progressive on this issue at the time. With the Left Bloc pushing the Socialist Party over the past decade to become more strategically innovative on progressive social issues like gender equity, abortion and gay marriage, the Socialist Party has innovated, and more progressive laws in these domains are the result. If Portugal's electoral system were more majoritarian, we doubt such innovation by a mainstream party would have happened as quickly as it did. Nevertheless, strategic competition between leftist parties was not the only factor involved here, nor does it appear to be the most important explanatory factor.

Conclusions

The parity law was not an isolated action: it was passed as part of the Socialist Party's election manifesto, and in many ways represented a natural evolution in its ideology. The

proof of this is it attempted to pass several similar laws during previous years.

Two questions consequently emerge. Why did the Socialist Party manage to pass the law in 2006 and not before? And what was the motivation for the Socialist Party to pass a quota law of this type?

In answering the first question one might naturally think the party's 2006 proposal was somehow less rigorous than its previous quota proposals and this was the reason it passed. However, this was not the case, since all of the Portuguese quota proposals ensured a minimum 33 per cent representation of each gender.[80] Therefore, the answer to the first question has to do with various contextual factors relatively new to the national political scene that facilitated its passage in 2006.

The answer to the second question—besides relying on characteristics inherent to the Socialist Party itself—has more to do with constant (the electoral system, for instance) or slower-changing features of the Portuguese context (public opinion, for example), which helped facilitate the party's decision to pursue the adoption of a quota law.

The most important new contextual factor was the fact during the 2005–09 legislature the party enjoyed its first majority. Since legal gender quota proposals were no longer a novelty in Portugal, the active promotion of gender equality by the state had become enshrined in the revised 1997 constitution, and the quota law was part of the Socialist Party's 2005 election manifesto. The prime minister could argue as never before the party now had a mandate from the electorate to proceed with this institutional reform.

Furthermore, the quota proposals that failed earlier laid the ground for the law finally passed in 2006. Evidence of this is found in the content of print editorials and media coverage during 2006, which was significantly more positive toward gender quota laws than the coverage carried by the same newspapers in 1999.

The Left Bloc was also pushing for (failed) gender quota legislation during the 1999–2002 legislative term, but it was a new party then with only two seats in parliament, and so arguably the Socialist Party could afford to ignore the possibilities for joint action. However, by 2005 the Left Bloc had eight seats and was increasingly perceived by the Socialist Party as a real threat on its left flank. Consequently, it stands to reason strategic electoral considerations on the Portuguese left also played a role in getting the Socialist Party to put the quota law into its 2005 manifesto and introducing it into law in 2006. The Portuguese case therefore appears to conform to the 'contagion' findings of other scholars (Caul, 2001; Meier, 2004; Lovenduski, 2005: 103).

Nonetheless, domestic actors and factors were not the only reasons for the law's passage. Analyses of successful parity laws elsewhere suggest this policy area is particularly open to influences at the international/transnational level: namely, international emulation (Dahlerup 2008; Krook 2009; Murray, Krook and Opello 2009). The latter seems to apply to both questions previously raised. It was definitely important for the Socialist Party's evolution on the normative debates regarding women's political representation—if we think of the role of the Socialist International, of other European countries that had passed quota laws since the late-

1990s (such as France and Belgium) and of the recommendations of international organisations—since these were often mentioned in internal party documents. The more positive coverage of examples from other countries by the Portuguese print media in 2006 than in the late 1990s also suggests this emulation factor gained importance in the last few years and was therefore helpful for the law's passage.

Two factors that made passage of the quota law easier included the country's choice of electoral system (proportional, closed lists, centralised processes for electoral list development and relatively high barriers to party proliferation) and a general consensus regarding the desirability of having more women in politics. In terms of the electoral and party system variable, several earlier studies have shown how critical the electoral system variable can be for the passage of quota laws (Matland and Montgomery 2003; Murray, Krook and Opello 2009), and the Portuguese case conforms to this hypothesis.

In keeping with Krook's (2009: 10) highlighting of how quota laws emerge based on 'new or emerging notions of equality', we argue that in 2006 Portuguese public opinion was fairly favourable to having women in politics and sympathetic to the idea of quotas. In other words, civil society had been primed on this issue in 2006 in a way that was not the case when the similar proposal was first circulated in 1998. In this sense, our findings are in line with those of Murray, Krook and Opello (2009: 5), who show French voters were similarly positive about parity concepts there and that party elites understood this.

However, the fact some of our survey questions elicited contradictory positions on gender quotas and/or other forms

of positive discrimination suggests gender quotas was not a very important issue for the average Portuguese voter in 2008 and, probably, 2006. This supports Ruíz Jimenez's conclusion (2009: 250) 'there is no electoral market for gender policies in Portugal—neither among women nor society at large.' In terms of electoral importance, we agree; however, our data reveals that on some items Portuguese voters are actually quite supportive of the quotas/parity concept, a development of which the Socialist Party was probably aware.

While we do not have the kind of survey data that would tell us definitively whether the gender quota issue was more important for the average Portuguese voter in 2006 than it was in the late 1990s, we doubt it shifted markedly. Nevertheless, as others have observed (Ruíz Jimenez 2002: 293; Martins and Teixeira 2005: 83; Viegas and Faria 2001: 51), the failed effort to introduce quota laws in the late 1990s very likely helped raise public awareness of the issue, perhaps contributing to its greater legitimacy.[81]

In our view, the most important answer to the question about the motivation to introduce a quota law is the Socialist Party itself, specifically key decision-making elites therein. Our analysis shows the Socialist Party's own ideology on this matter was gradually evolving over time. From 1988, when the party first introduced the concept of voluntary 25 per cent gender quotas for its own electoral lists through its defence of positive discrimination measures in its 1995 manifesto to the implementation in the subsequent 1999 general elections,[82] the Socialist Party's position was slowly but clearly evolving on this issue—in some ways much like the process described by Meier (2004) in Belgium. There, as

in Portugal, internal party quotas helped 'open the way for legally imposed quotas designed to carry along parties reluctant to implement gender quotas' (Meier 2004: 595).

While our analysis suggests the main inspiration for the Socialist Party's evolution was more likely transnational emulation than a grassroots push from below, the respective roles of the Socialist Party women's organisation and the Left Bloc, which started constituting a challenge to the Socialist Party's left, should also be noted.

On the other hand, we need to be careful about assigning too much weight to the Socialist Party's growing ideological commitment to gender equality. The fact it did not use the Left Bloc's two votes in the 1999–2002 parliament to reach a compromise on one of the many gender quota proposals the two parties promoted during that period suggests either the party had a weak commitment to gender quotas at that time, or it feared it would be seen simply copying its new rival on the left—or both (Ruíz Jimenez 2009: 253; Viegas and Faria 2001: 40).

Although the Socialist Party used its majority in 2005 to push through its quota law, the appointment of only two women ministers (out of 16) to José Socrates' 2005–09 majority government remains troubling (although this has since improved under the current minority Socialist government in which five of 17 cabinet members are women).

Case-studies from Brazil (Htun and Jones 2002), Belgium (Meier 2004) and France (Bird 2003) have shown elites sometimes use quotas as an empty gesture, 'as a way to demonstrate a degree of commitment to women without

actually intending to alter existing patterns of inequality' (Krook 2009: 10). So is this the case in Portugal as well?

Overall, we do not believe the 2006 parity law was just paying lip service to the problem. Although the law is not really enforcing parity and sanctions could have been tougher, its inclusion of the zipper principle means at least it guarantees a more balanced representation of both genders.

Irrespective of the importance of all the mentioned factors, we would like to underline the role of the party elites (both male and female) in the decision to proceed with the parity law, which represents continuity in Portuguese politics (Baum and Freire 2003). Because there is no powerful lobby or social mobilisation for the rights of women in Portugal, the role of the national non-governmental organisations in this debate was not crucial. Furthermore, they have been heavily influenced by transnational networks and actors.[83]

In general, our analysis of the Portuguese case supports several of Krook's findings regarding the adoption of gender quota laws worldwide (2009: 218–26). First, just as in the democratisation literature, where 'equifinality' arguments (or theories emphasising multiple causation and the idea different variables or combinations of variables can lead to the same outcome) prevail, the same is true of the comparative research on gender quota adoption.

The Portuguese case seems to have been particularly influenced by international organisations and transnational networks that influenced party elites within two of the country's left-wing parties, which in turn set in motion an evolution in the country's normative debates about formal equality, democratic participation and the need for special measures for women.

Strategic motivations also appear to have played at least some part in the adoption of gender quotas by those parties that initially adopted quotas voluntarily, but they became even more important for explaining why those voluntary procedures were then extended to a quota law governing party lists in all legislative, European and local elections.

Our research confirms Krook's stress on the importance of local political context and local actors and how changes in this context over time can lead to an environment that either facilitates quota adoption or make it less likely. In Portugal, a supportive public opinion environment (albeit one with low level of importance to most voters) and an electoral system serving to facilitate conditions for a political party that won an absolute parliamentary majority for the first time are factors enabling it to carry through on its election manifesto promise to deliver a gender quota law.

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