

CHAPTER 5

IMPLEMENTING WOMEN'S RIGHTS IN SPAIN

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Spain is a culturally homogeneous Catholic country. After the expulsion of Jews in 1492 and of Muslims in 1502, no significant religious community other than the Catholic community has been openly active in Spain in the last four centuries. During the right-wing authoritarian regime headed by General Franco (who governed the country between the second half of the 1930s and 1975), Catholicism was the official religion of the country and some Catholic doctrines were reflected in state laws. For instance, divorce was prohibited and abortion was criminalized. Spain is the birthplace of the conservative Opus Dei organization, which was founded in 1928 and has been invigorated by Papal favor in the last decades.

In this chapter, I argue that despite the strong influence of the Catholic Church in politics in the past, Spain belongs now to the group of western countries with secularized polities. In Spain, church and state are separate. The Catholic Church runs an important part of the education system but does not control the agenda of government. Gender equality policies are in line with the policies of other European Union member states (with the possible exception of abortion).

I proceed in two steps. First, I provide a general and historical background of Catholicism in Spain and of Franco's regime. Second, I develop the aforementioned argument with the study of four dimensions of the policy area of gender equality: violence against women, abortion, gender equality in employment, and childcare.

CATHOLICISM IN SPAIN AND THE FRANCOIST REGIME

The overwhelming majority of Spaniards consider themselves Catholic (85 percent in March 2000). Although the number of practicing Catholics is much lower than the number of self-declared Catholics, it is significant. In March 2000, 21 percent of those self-declared Catholics affirmed that they attend religious services (excluding social events such as weddings, first communions, or funerals) almost every Sunday or religious festivity, and around 3 percent attend on various days per week (Centro de Investigaciones Sociológicas 2000). The Catholic Church has an important presence in the education system. For instance, in the so-called MEC territory (ten regions whose education was administered in the 1990s by the Ministry of Education and Culture [MEC] of the central state), in the academic year 1996–7, 29 percent of children and youngsters enrolled in preschool, primary, and secondary education attended a center administered by the Catholic Church (calculated by Celia Valiente from data in Pérez-Díaz, Chuliá, and Álvarez-Miranda 1998, 139).

To suspect that the teachings of the Catholic Church influence the ideas and behaviors of the population is reasonable. Nevertheless, this is true only to a certain point. For instance, the Catholic Church mandates that couples marry in the church. The acceptance of Catholic marriage is high in Spain but not overwhelming. In March 1998, the Spanish adult population was asked, "Which is the best living arrangement for stable partners?" Over half of the respondents (54 percent) chose religious marriages. The remainder preferred other options such as: "living together without getting married" (11 percent); "living together and marrying in the church afterwards" (9 percent); "a civil marriage" (9 percent); and "living together and having a civil marriage afterwards" (8 percent) (Centro de Investigaciones Sociológicas 1998).

Examples of disconnection between official Catholic doctrines and societal views abound. The Catholic Church advocates that married women have as many children as "God sends them," but recently Spain has had one of the lowest fertility rates in the world. In 1998, the synthetic index of fertility in Spain was 1.15 children per woman (Bovagnet 1999, 5; provisional data). In March 1998, the Spanish adult population was asked: "What is the ideal number of children for a family of a similar socioeconomic level as yours?" Only 2 percent chose the answer in line with the official church position: "As many as they come." More than half of the interviewed (58 percent) chose two children, and a quarter (26 percent) chose three children (Centro de Investigaciones Sociológicas, 1998). The Catholic Church affirms that people must be married in

church before they have children. In December 1995, however, more than two-thirds of the Spanish adult population (71 percent) agreed with the statement, "A woman can have children without being married" (Centro de Investigaciones Sociológicas 1995). The Catholic Church unequivocally opposes divorce. By contrast, in December 1995, three-quarters of the Spanish adult population agreed with the proposition, "When a couple cannot solve its problems, divorce is the solution" (Centro de Investigaciones Sociológicas 1995). The Catholic Church prohibits homosexual sex. By contrast, in December 1995, two-thirds (65 percent) of the Spanish adult population agreed with the statement, "Homosexuality is a personal option as respectable as heterosexuality" (Centro de Investigaciones Sociológicas 1995). The Catholic Church defines abortion as murder in all circumstances, but in December 1995, slightly over half of the Spanish adult population (56 percent) agreed with the view that, "the decision to have an abortion corresponds only to the woman" (Centro de Investigaciones Sociológicas #2203). As José Casanova (1993, 118) rightly points out: "not only can the church no longer control the public morality of the Spaniards, it can no longer take for granted the control of the private morality of the Catholic faithful."

As for the political arena, the church has no direct representation in the political space, because no Christian Democratic Party or trade union exists (Casanova 1993). The separation of church and the Spanish state is reflected in the constitution. According to Article 16, Spain is a non-denominational state based on religious freedom. Nevertheless, this very same Article also states that "public authorities will take in mind the religious beliefs of the Spanish society" (that is, Catholicism). Article 16 also refers to the desirability of the cooperation between the state and the Catholic Church and the remaining denominations. The Catholic Church accepted the principle of non-confessionality of the Spanish state and the constitutional regulation of state-church relations (Casanova 1993, 117; Linz 1993, 35). The church does not agree with some laws regulating moral matters, such as the laws that legalized divorce (1981) or that liberalized abortion (1985), but it has not made a big effort to reverse them. Resistance by Catholics to these public policies has been more moderate in Spain than in other western countries. The Catholic Church is not involved in the main political controversies of the country (with the possible exception of the nationalist question in the Basque country) but is not silent regarding the matters that the church considers important (education and moral issues such as abortion and sexuality, among others). The church does not explicitly support a political party and does not ask Catholics to vote for any given party. Nevertheless, the Catholic Church sometimes transmits a sense of preference when speaking about

its position regarding certain issues. At times, this coincides with the position of specific parties (Linz 1993, 32–48).

The separation of church and state is a characteristic of the democratic regime established after the end of the dictatorship in 1975, but not of the right-wing authoritarian regime headed by Franco.¹ During the first Francoism (between the second part of the 1930s until the late 1950s-early 1960s), the church and the political regime supported each other. Catholicism was the official religion of the country. Freedom of worship was abolished. The state gave the church the prerogative of managing all matters regarding marriage and the separation of married couples. Catholic marriage was mandatory, with very few exceptions (Pérez-Díaz 1987). The state allowed the Catholic Church to control part of the education system: that is an important number of primary and secondary schools—but not most universities, which had been under state control at least since the mid-nineteenth century (McNair 1984, 18–19). In all primary and secondary schools, the state made religious teaching and religious practices mandatory and education had to conform to the teachings of the Catholic Church. The church was given the right to inspect private and public centers (McNair 1984, 28–29). Sex segregated schools were the norm, and boys and girls not only attended different schools but also had different curricula. Divorce was abolished, and the selling and advertising of contraceptives was criminalized. Abortion was defined as a crime punished with prison. The state economically supported the Catholic Church, which was exempted from taxation. In turn, the church supported the authoritarian regime, provided it with legitimacy, and declared the civil war (1936–39) a crusade, that is, a fight, between supporters of Christianity (Franco's followers) and the unfaithful and immoral (the Republicans). Some of the administrative cadres of the Francoist state came from Catholic lay organizations such as the *Asociación Católica Nacional de Propagandistas*, and later the Opus Dei. Catholic hierarchies occupied a salient place in official governmental acts. State authorities ex officio attended religious ceremonies (Casanova 1993, 107–08; Linz 1993, 9–25).

During the first Francoism, economic policies tried to reach the objective of productive autarchy and isolation from the international market. State intervention in the economy increased. Productivity growth remained very low, and unemployment and underemployment remained high. For the majority of the population, the 1940s was a period of scarcity, black market, and economic hardship. Economic difficulties also were present in the 1950s (Anderson 1970; González 1979). Francoist policy makers elaborated pro-natalist policies to stimulate population

growth. The ideal family was a hierarchical unit, since it was assumed that authority within it rested with the father, who was supposed to be its sole (or, at worst, its main) supporter. Motherhood was defined not only as the main family duty of women but also as women's main obligation toward the state and society. The role of mothering was perceived as incompatible with other activities, such as waged work. The state took measures to prevent women's labor outside the home. Examples of this were: the so-called marriage bars (prohibitions from working in some companies or sectors of the economy after marriage); the requirement that a married woman obtain her husband's permission before signing a labor contract and engaging in trade; or the prohibition that women perform certain jobs, especially in the field of law. The official female employment rate² during the first Francoism was very low, oscillating around 10 percent. The real female employment rate was probably higher (Nash 1991; Valiente 1997, 82–95).

The second Francoism (between the late 1950s- early 1960s and 1975) was economically different from the first Francoist period. Economic policies changed at the end of the 1950s as the economy began to be liberalized and opened to international markets. Export development policies replaced import substitution policies. Economic recovery started in 1961, with the beginning of a period of high economic growth, and the appearance and consolidation of a mass-consumption society. Male unemployment remained very low due to the economic recovery and the emigration of Spanish workers to work in other countries (Anderson 1970; González 1979). At the end of Franco's regime, the female employment rate had increased to a level of around 20 percent. During the 1960s and 1970s, Francoist policy makers approved some liberalization measures related to women's status, such as the abolition of some prohibitions and obstacles regarding paid employment (such as marriage bars, or the prohibition to perform some professions in the field of law). Liberalization, however, did not take place regarding the regulation of sexuality and reproduction (Valiente 1997, 82–95).

Relations between church and state were different in the second Francoism. A part (only a part) of the church distanced itself from the regime, self-criticized the position and actions of the church in the civil war, and even gave protection and support to political dissidents. Catholics became members of groups and parties of all ideological colors in opposition to the dictatorship. Thanks to this progressive distancing of a part of the church from the political regime, when Franco died in 1975, the church could align itself with other political and social forces in the building of a new democratic regime (Casanova 1993, 114–17; Linz 1993, 25–32).

CENTRAL STATE GENDER EQUALITY POLICIES IN SPAIN AFTER FRANCO

After 1975, democratic policy makers began to dismantle the discriminatory legislation inherited from Franco's time and to promote women's rights and status. The 1978 Constitution explicitly states that women and men are equal before the law, and sex discrimination is prohibited. The selling and advertising of contraceptives was decriminalized in 1978. Divorce for civil marriages was permitted in 1981. Whereas the Franco's regime actively promoted sex-segregated schooling, the post-Franco governments encouraged girls and boys to go to school together. This is currently the norm (with very few exceptions). Spanish policy makers at the central state level have been advocating gender equality policies in line with the policies of other European Union member states. In 1983, partly in response to the United Nations' recommendation that a national policy machinery be established in each member state, Spain created the Instituto de la Mujer (Women's Institute), charged with promoting gender equality for the state (Stetson and Mazur 1995). This governmental agency has been an important force for gender equality policies. Even though the Women's Institute was founded in Spain later than the women's policy machineries of other western countries, the Women's Institute is now comparable to agencies in other advanced industrial societies in terms of goals, budget, and personnel. As is the case in other countries, the Women's Institute has neither the responsibilities nor the budget to define and put into practice all gender equality policies of the country. The goal of the Women's Institute is to persuade other state units to include gender equality in their policy agendas, and to encourage taking gender into consideration in all public policy making (Valiente 1995b).

One way to obtain a sense of the nature of the current Spanish regime and its attitude toward women is to examine specific gender equality policies established by the central state level. The four public policies considered here are (not in order of importance): violence against women, abortion, gender equality in employment, and childcare. These four policies have been chosen because they are linked to four of the dimensions of social life in which women's subordination takes place: sexuality, reproduction, paid employment, and the family. This list is by no means exhaustive, but it gives a fairly extensive (if incomplete) vision of central state intervention in women's lives in Spain. Some of these policies were advocated by a center-right party, the Unión de Centro Democrático, which governed the country until 1982. Although many gender equality policies were installed under the Socialist party govern-

ment (1982–1996), for the most part, all have been sustained since 1996 when the Conservative party, the Partido Popular, took power.

The Spanish women's movement has also played a role in this change; however, the feminist movement was weaker and its influence less noticeable in Spain than in other western countries for most of the nineteenth century and for much of the twentieth century. The first Second Wave feminist groups appeared in the late 1960s and early 1970s. These first groups were active in the opposition to the dictatorship, where they collaborated with other (often illegal) organizations and political parties. Many feminist groups continue to be close to political parties of the left. The Spanish feminist movement has not managed to develop umbrella organizations that represent most groups. The feminist movement in Spain is not a mass movement. Women's organizations with headquarters in Madrid, Barcelona, and other cities show signs of strength and hold regular national feminist conferences attended by between three thousand and five thousand women (Kaplan 1992, 208–09). In comparison with other western countries, however, the women's movement in Spain has not achieved high visibility in the mass media, organized mass demonstrations, or initiated many public debates. In general, not many Spaniards join voluntary organizations of any sort.

VIOLENCE AGAINST WOMEN

Ever since 1975, Spanish central-state policies against violence against women (VAWA) have mainly been of two types: fairly extensive legal reforms, and quite modest services for victims of violence, for instance, refuges for battered women. The most important VAWA policies in Spain after 1975 are legal reforms. In the Penal Code, the different violent acts perpetrated against women are defined as either misdemeanors (*faltas*) or offenses (*delitos*), and each of them is assigned a punishment (*pena*), which is lower for misdemeanors than for offenses. Legal reforms have expanded the definition of rape, sexual aggression, and domestic violence in order to include more behaviors and punish them accordingly. With respect to rape, before 1983, if the victim "forgave" the perpetrator, no prosecution could take place. In 1983, the Penal Code established that when victims of rape forgive the perpetrators, they should still be punished according to the law. Before 1989, rape was defined in a very restricted way, because it referred only to heterosexual vaginal coitus. The concept of rape has since been expanded to include anal and oral coitus, and penetration with foreign objects. Rape is an offense defined in the laws independently from the marital or professional status of victims, for instance, irrespectively of whether the perpetrator is the husband of the victim, or

whether she works as a prostitute. Now, rape is punished in Spain with a period of imprisonment up to twelve years. Gang rape (committed by three or more people) is punished with a higher number of years of prison. Legal proceedings against a rapist can be initiated by a prosecutor. A complaint by the victim is not required. According to provisional data presented by the government to the Low Chamber of Parliament, the number of reported sexual aggressions was 6,527 in 1999. This figure includes rape and sexual attacks (*El País* 1999, 34). The number of non-reported cases makes the total much higher.

With regard to domestic violence, in 1989 the Penal Code classified repeated physical domestic violence against women perpetrated by husbands or cohabiting partners as an offense, and not as a misdemeanor, as it had been legally defined in the past. Currently, the offense of repeated physical domestic violence is punished with a period of imprisonment that ranges from six months to three years. In 1999, the offense of repeated psychological violence in the domestic sphere was defined in the Penal Code. According to provisional data presented by government to the Low Chamber of Parliament, the number of reported cases of domestic violence was 24,985 in 1999 (*El País* 1999, 34). Again, the number of non-reported cases of violence against women makes the total much higher.

As the 1990s ended, legal reforms were almost completed on paper. Nevertheless, a huge implementation deficit exists regarding this type of legislation. Services for victims have been established, but these services are still clearly insufficient and less developed than in other countries (Asociación de Mujeres Juristas Themis 1999; Defensor del Pueblo 1998). The best-known services for victims are the battered women's refuges (Scanlon 1990, 99). As in other countries, refuges are mainly temporary safe accommodations for female victims of violence and their children. In addition, women receive in these shelters other services that range from legal advice to psychological support and vocational training with the aim of helping the women to initiate a new life away from perpetrators of violence. In Spain, the first refuges were set up in 1984 (Instituto de la Mujer 1994, 99). By 1997, 129 refuges provided a safe haven for about every 302,000 inhabitants in Spain. This proportion is still lower than the proportion recommended by a Resolution of the European Parliament in 1997: a shelter for every 100,000 inhabitants (Defensor del Pueblo 1998). In 1999, around 3,300 women and 4,000 children stayed in shelters (*El País* 15 May 2000, 30).

In post-authoritarian Spain, the impact of women's advocates in the policy area of violence against women has been of paramount importance. In the late 1970s and early 1980s, certain feminists "discovered" the problem of violence against women in some cases accidentally (Threlfall 1985,

62–63). Feminists from the Separated and Divorced Women's Association (*Asociación de Mujeres Separadas y Divorciadas*), who provided counseling and legal advice to women who wanted to initiate separation and/or divorce proceedings, found that the main goal of many of their clients was to escape from a situation of high levels of domestic violence. By the same token, some activists who worked in health centers as physicians or psychologists were shocked by the high number of female victims of violence who turn to these centers for help. Feminist activists were able to convert a social problem (attacks against women) into an issue worthy of governmental intervention. Women's advocates have continuously demanded that policy makers intervene in this area, reform the legal system in order effectively to protect women against aggressors, and organize services for the relief and help of the victims. The state often does not provide services for victims of violence directly, but instead subsidizes non-governmental, non-profit women's organizations to do the work. Women's organizations (with the help of state subsidies) have administered battered women's refuges, emergency phone lines for rape victims, psychological support for victims of violence, and training workshops for the police on violence against women.

ABORTION

In Franco's Spain, the Penal Code punished abortion with prison (between six months and six years). Abortion was a crime with no extenuating circumstances for women (Barreiro 1998, 35). Since 1975, the only reform in this policy area has been the 1985 partial decriminalization of abortion.³ According to Act 9 of July 5, 1985, on the reform of the Article 417 of the Penal Code (hereafter 1985 Abortion Act), abortion is a crime punishable under the Penal Code except on three grounds: when women have been raped; when pregnancy seriously endangers the physical and psychological health of the mother; and when the fetus has malformations.

Abortion has been a unifying demand of most groups of the Spanish feminist movement since the 1970s. Spanish feminists mobilized endlessly in favor of the decriminalization of abortion and were able to influence policy makers and public opinion (Sundman 1999; Trujillo 1999).⁴ The impact of the Women's Institute in the policy process regarding the implementation of the Abortion Act can be used as an illustration of the influence of feminist advocates in the policy area of abortion.

The regulation of the implementation of abortion legislation is very important, because this regulation may make easy or difficult the access to induced abortion (Outshoorn 1996, 150). The 1985 Abortion Act does

not say anything about the implementation of abortion reform. The material and human means required in clinics for the performance of abortions were established by Ministerial Ordinance of July 31, 1985 from the Ministry of Health and Consumption. These material and human means were more extensive than what is strictly required from a health point of view. A very broad and flexible conscience clause permitting health personnel to refuse to help in abortion cases was established in August 1985.

Abortion was clearly one of the top priorities of the Women's Institute since its establishment. The Women's Institute identified two main problems (among others) in the implementation of the 1985 Abortion Act. First, very few public clinics and no private clinic performed abortions. Second, due to the broad nature of the conscience clause, very few abortions were actually performed in public hospitals (Instituto de la Mujer 1985, 1986a, 1986b; Barreiro 1998, 238–46). The Women's Institute also made recommendations (among others) to increase of the number of authorized centers. After an intricate negotiation process among the Ministry of Health and Consumption, the Women's Institute, and other policy actors, the government approved Royal Decree 2409 of November 21, 1986 on the implementation of the 1985 Act, which replaced the aforementioned Ministerial Ordinance of July 31, 1985. The decree made access to abortion easier by requiring that clinics have fewer resources for the performance of "low-risk abortions" (up to 12 weeks of pregnancy).

As expected, because of the lowering of human and material requirements (trained personnel and specific instruments or rooms), private clinics became interested in becoming authorized to perform abortions. Since then, private clinics perform an overwhelming majority of abortions in Spain. In 1998, 53,847 abortions were reported in Spain. The total number of abortions, both reported and not reported, is much higher. In 1998, the reported abortion rate was six abortions per thousand women of reproductive age. Ninety-seven percent of reported abortions were performed in private centers, and the remaining 3 percent in public centers. Almost all (97.32 percent) of reported abortions were performed because of risks for the physical or psychological health of the mother due to pregnancy, 2.27 percent were performed because of presumed malformations of the fetus, 0.03 percent were performed because of rape, and the remaining 0.38 percent for unknown reasons (*El País* 19 February 2000: 22). Most cases officially registered as abortions performed on the grounds that the psychological health of the mother is in jeopardy are, in reality, performed on socioeconomic grounds, a type of abortion not permitted by law. Thanks to the loose implementation of the 1986 Royal Decree, access to abortion is easier than before, and very often goes beyond what is permitted by the 1985 Act (Barreiro 1998, 248–252).

Access to abortion still has some serious limits in Spain. First, private centers charge fees, while public centers do not. As most abortions take place in private centers, some women cannot afford an abortion. Second, authorized clinics are scarce in some cities, towns, and regions. As a result, abortion rates vary widely among different regions (*El País* 19 February 2000, 22). Third, doctors who perform abortions and women who have them are permanently under the threat of being prosecuted because many abortions that are performed are not permitted by law. This could only be solved by further reform to the 1985 Act (Barreiro 1998, 248–252).

The fact that after the 1980s, no important political party has been mobilized against the partial liberalization of abortion shows how secularized the Spanish polity has become. The main opposition to the 1985 Abortion Act was political. This opposition was led by the conservative party. Nevertheless, in the late 1980s it accepted the abortion settlement. Abortion is not a topic currently being debated in Spain. Although feminists have been continuously mobilized in favor of a further liberalization of abortion policies, they have not succeeded in this battle. On the abortion issue, Spain is different from the United States. Mass demonstrations by pro-life and pro-choice groups have not taken place in Spain.

GENDER EQUALITY IN EMPLOYMENT

The central government in Spain, regardless of the party in power, has initiated three types of public policies for working women since 1975: measures to help women combine their family and professional duties, the revision of labor law in accordance with the constitutional principle of sex equality, and (very few) affirmative actions.⁵ Since the dictatorship ended twenty-five years ago, postauthoritarian policy makers have witnessed periods of economic crisis combined with periods of economic recovery. The female activity rate⁶ has been constantly increasing during the whole period, reaching the level of 48 percent in 1998 (Franco 1999, 8).

With regard to measures that help women combine family and professional duties, since 1975, political elites have developed these programs, and have allowed men to be the beneficiaries of some of them. Policy makers have extended paid maternity leave. Now, working mothers who have been previously employed and have contributed to the social security system for at least 180 days within the five years previous to childbirth are entitled to sixteen uninterrupted weeks of paid maternity leave at (approximately) full pay. The right to return to one's job is guaranteed. Maternity leave also applies to mothers who adopt children. The father can take up to ten weeks of maternity leave. Nevertheless, the number of fathers who take some weeks of maternity leave is very small. The Spanish

Labor Force Survey provides data segregated by sex of wage earners who are not working during the week when the survey questionnaire is administered. In the fourth quarter of 1998, 97 percent of wage earners who were not working due to maternity leave were women, and the remaining 3 percent were men (calculated by Celia Valiente from data published in Instituto Nacional de Estadística 1999, 204). Working mothers or fathers can take non-paid parental leave for up to three years. The right to a job in the same professional category is guaranteed during the second and third years. The period of leave is counted as effectively worked in terms of seniority.

Discriminatory legislation, inherited from former times, has been modified in accordance with the constitutional principle of sex equality. Women have been allowed to perform some types of work prohibited to them in the past, such as night work, and work in the police, in the army, or in the mining sector. In addition, the concept of wage equality was broadened to include not only the principle of "equal pay for equal work" but also that of "equal pay for work of equal value" (in 1995), and not only the concept of direct but also indirect discrimination. Indirect discrimination includes harmful treatment of either gender due to job requisites that are not necessary for the performance of the job.

Today, the principle of equality of all citizens before the law informs general legislation. The discriminatory clauses that exist are contained in collective agreements negotiated between representatives of employers and workers. Wage discrimination is one of the most common forms of gender discrimination. It occurs with the creation of labor categories that include only or mainly women. These female workers are paid less than workers included in mixed, or male categories.

Affirmative action (or positive action) policies that give preferential treatment to women with respect to men for the purpose of achieving de facto equality between both sexes in the labor market are usually of a pilot nature in Spain and, therefore, affect a very low number of beneficiaries. The state has subsidized and/or managed job training courses for women and has fostered the employment of women in some circumstances, such as: when women are the only economic provider of their families, when women work in sectors of the economy where women are underrepresented, when women are self-employed, and when women create their own companies.

After 1975, equality in paid employment between women and men has been one of the top priorities of feminist activists. Feminist advocates have repeatedly argued that economic independence is a necessary ingredient for women's liberation. Economic autonomy very often means participation in the labor market, because the majority of the population of active age acquires economic autonomy through paid work. Thanks in

part to feminist mobilization, these ideas have permeated political parties, trade unions, and state institutions; the main actors in the policy-making process in democratic Spain.

CHILD CARE

After 1975, the main central state childcare policy (for children under the age of six, when mandatory schooling starts) has been the supply of free educational preschool programs for children age three or over administered chiefly by the Ministry of Education and Culture (Ministerio de Educación y Cultura, MEC; before 1996, it was called the Ministry of Education and Science—Ministerio de Educación y Ciencia). In the 1996–97 academic year, the proportion of children who attended public preschool programs was 70 percent of children age four and five, and 43 percent of those age three. The scope of these programs is quite high in comparative terms. Since the private sector also provides pre-school places, school attendance rates of three, four, and five-year old children in public schools are high in Spain in comparative terms (67, 99, and 100 percent, respectively). In contrast, the percentage of Spanish children age two or under cared for in public centers is one of the lowest in the European Union: 2.5 percent. The proportion of children age two or under cared for in private centers is also very small: 3.5 percent—calculated by Celia Valiente from data contained in Ministerio de Educación y Cultura (1999, 79, 132–34).⁷

Public preschool programs cannot be used by parents (or mothers) as perfect substitutes for childcare, because preschool hours are shorter than working hours (sometimes much shorter and interrupted by a break). Preschool holidays are much longer than working holidays. For instance, preschool summer holidays last approximately three months, whereas paid summer holidays for workers last one month. Even though the percentage of women in employment is lower in Spain than in most European Union member states, most Spanish women who work for wages have full-time jobs. In 1998, the Spanish female employment rate (35 percent) was the lowest in the European Union, and much lower than the European Union average (51 percent). Eighty-three percent of female workers worked on a full-time basis in Spain. This figure (together with that of Portugal and Finland) was the third highest in the European Union, after that of Greece (89 percent) and Italy (86 percent), and sixteen points above the European Union average (67 percent) (Franco 1999, 8–9).

In brief, since 1975, a substantial expansion of the supply of public preschool programs (the main child care policy) has taken place in Spain. Public pre-school centers were attended by 347,025 children younger

than six in academic year 1975–6. In academic year 1999–2000, the figure was more than double; 758,458 children—calculated by Celia Valiente from data contained in Instituto Nacional de Estadística (1977: 101–02; 1981: 12) and data available on July 17, 2000 at <http://www.mec.es/estadistica/Cifras/Nac-01.html>. Other childcare policies (state regulation of public centers, tax exemptions for childcare expenses, and state scholarships for pupils of private centers) have been less important than the supply of preschool places in public centers. Generally speaking, childcare has been seen as an educational matter by policy makers from all political parties that have governed postauthoritarian Spain. The MEC has been the chief institution in charge of defining the “problem” of childcare for children under six: a shortage of educational programs. This MEC definition has influenced the “solution” provided: an extension of the number of preschool places mainly for children over three in public centers.

I have argued in another place (Valiente 1995a, 254–256) that, in contrast with other countries, Spanish feminist advocates (the feminist movement, the Women’s Institute, and women’s departments of the main trade unions) have mainly advanced rhetorical demands in the policy area of childcare chiefly for two reasons. First, the Franco regime actively opposed the advancement of women’s rights and status. After 1975, feminist activists had to pursue numerous objectives, including equality before the law and reproductive rights. In this situation, it was reasonable for feminists to concentrate on some demands and to leave others aside. Second, in paying considerably less attention to the issues of motherhood and childcare than to other issues, feminists in Spain were rejecting, more than in other countries, a problematic past. After almost forty years of literally being bombarded by authoritarian policy makers with the idea of mothering and caring as the most important task in women’s lives, the last thing Spanish feminists wanted to do after 1975 was to pay a lot of attention to the issue of motherhood. Women’s liberation was then understood as broadening the range of concerns that define women’s lives, such as waged work. This definition carefully avoids considering the place of motherhood and childcare in the life of the newly liberated female Spaniards.

CONCLUSION

Religious mobilization was highly visible at the United Nations Fourth World Conference on Women held at Beijing in 1995 and at the Beijing Plus Five meeting in New York in 2000, confirming the fact that the role of religion in shaping women’s lives is far from disappearing. Countries in

which the overwhelming majority of citizens are Catholic, however, differ widely among themselves along several dimensions, including: the degree of the separation of church and the state, the existence or absence of Christian democratic parties, and the degree to which Catholicism is part of the national identity and consequently an element of differentiation from other political communities. Differences among Catholic countries are, in some cases, very wide, as the chapters on Spain and Ireland of this book clearly illustrate. The case of Spain illustrates that even when the overwhelming majority of the population declares itself Catholic, this does not necessarily mean that public policies reflect the views of the Catholic Church or that all or even a majority of the people subscribe to and adhere to Catholic doctrines. Spain is a country with a strong Catholic past and tradition that has, in the last twenty-five years, emerged as a secularized polity and anchored itself in the European Union with its state-led policies toward women. In Spain today, contraceptives are legal (since 1978), divorce is available (since 1981), and abortion is permitted on three grounds (since 1985). All these policies reflect views contrary to those supported by the official doctrine of the Catholic Church. Furthermore, in Spain, violence against women is clearly defined as a crime in the Penal Code and, in theory, punished accordingly. State policies encourage women not to endure violent husbands for the sake of the family or of their children. Female and male workers are equal before the law, labor policies do not provide any explicit incentive for women to leave the labor market and stay at home, and public childcare provision is extensive in comparative terms. The impact of feminist activism in the promotion of these and other gender equality policies has been an important contributor to the change. The influence of the Catholic Church remains and should not be underestimated. The school system remains dominated by the church, and the church's position on abortion is perhaps a factor that explains why most (but not all) European Union member states have more liberalized access to induced abortions than has Spain (Outshoorn 1996).

NOTES

1. The alliance between the Catholic Church and political powers was not a peculiarity of the Franco regime, but has constantly existed during the last centuries. The main exception to this rule was the Second Republic (1931–6), when political elites approved the separation of state and church, and withdrew many of the privileges of the Catholic Church. For reasons of space, this chapter analyzes Spain since the Francoist period.
2. The female employment rate is the proportion of employed women out of the female population of working age.

3. The description of abortion reform in this chapter follows Barreiro (1998) closely.
4. English-speaking readers interested in feminist activism in Spain concerning abortion can consult the following accounts on the feminist movement: Threlfall (1985, 1996); and Durán and Gallego (1986). Accounts in Spanish include: Borreguero et al. (1986); Folguera (1988); Scanlon (1990); and Escario et al. (1996).
5. The description of gender equality policies in employment since 1975 follows Valiente (1997, 144–153) closely.
6. The female activity rate is the proportion of active women (the employed and the registered unemployed) out of the female population of working age.
7. For preschool attendance rates in Spain and other European Union and Organization for Economic Cooperation and Development (OECD) member states, see: European Commission (1998, 76); and OECD (2000, 135).

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