



# SPAIN AT THE VANGUARD IN EUROPEAN GENDER EQUALITY POLICIES

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## Introduction

In Spain, progressive measures at the central state level, such as an ambitious Act on Gender Violence, have been recently passed under a social democratic government formed in spring 2004, when the Spanish Socialist Workers' Party (Partido Socialista Obrero Español, PSOE) reached power.<sup>1</sup> In early 2007 other progressive gender equality measures were seriously considered, such as the approval of a comprehensive (Gender) Equality Act. In the first part of this chapter, I succinctly describe the main Spanish gender equality policies. How had the socialist government arrived at this point at the beginning of the twenty-first century, given the fact that, at least up to the 1970s, Spain was a backward country regarding gender equality? In the second part of this chapter, I argue that the European Union (EU) acted as a source of inspiration as well as resources for both politicians and the women's movement in the policy area of gender equality.<sup>2</sup> The influence of the EU took place in a favorable political and social context characterized by four factors: secularism and the (imperfect) separation of church and state; the high presence of women in civil society, and the increasing strength of the women's movement; the support of some demands of the feminist movement by the PSOE, and the partial convergence of the conservative People's Party (Partido Popular, PP) towards the positions on gender equality of

the Socialist Party; and the policy impact of the main gender equality institution of the central state, the Women's Institute (Instituto de la Mujer, IM), which was created in 1983, one year after the Socialist Party first came to power.

### Central State Gender Equality Policies

After the spring 2004 election, socialist Prime Minister José Luis Rodríguez Zapatero formed a government with an equal number of female and male ministers. One of the two vice-presidents was a woman: María Teresa Fernández de la Vega. She also happened to be a well-known feminist. The socialist government quickly initiated a series of proactive gender equality policies. These (partly or totally) coincided with demands advanced by the explicitly feminist branch of the women's movement (in what follows, "the feminist movement"). A highly ranked position on gender equality was created in the Ministry of Labor and Social Affairs: the General Secretariat on [Gender] Equality Policies (Secretaría General de Políticas de Igualdad). A prominent feminist was appointed to the position: Soledad Murillo de la Vega, an associate professor of sociology in the university with expertise on gender research. Her appointment was backed by most individuals and organizations of the feminist movement. In 2004, a comprehensive Act on Integral Protection Against Gender Violence was passed with the support of all parliamentary groups (*Ley Orgánica 1/2004, de 28 de diciembre, de medidas de protección integral contra la violencia de género*, hereafter the "Gender Violence Act"). It contained a full package of prevention, protection, and punishment of violence against women. One of the main innovations of this act was that the punishment of domestic violence is more strict when committed by men than by women. The fight against violence against women has been a priority and a unifying battle for the Spanish feminist movement in the last two decades. Since 2005, article 68 of the Civil Code mandates that both spouses perform household chores and caring tasks (although it is difficult to enforce this). The feminist movement has tirelessly argued that the participation of men in household and caring duties is a prerequisite for an equal society. A comprehensive act to promote the personal autonomy and care of dependent people was approved by parliament on 30 November 2006 (*Ley de promoción de la autonomía personal y atención a las personas en situación de dependencia*, hereafter "Dependency Act"). It established the universal right of dependent people to receive care partly or completely financed by the state. For decades, the feminist movement has denounced that dependent people were cared for mainly by female relatives on an unpaid basis. The feminist movement had demanded some state responsibility in the provision of this care.

In the past decades, part of the feminist movement had denounced that gender equality measures were a set of dispersed legal provisions, and recommended

the adoption of a general equality act. The feminist movement in general favored that the state forces private companies to be active in the pursuit of equality between female and male workers, and that political parties adopt women's quotas. In fall 2006, several gender equality measures were prepared by the cabinet or discussed in parliament. On 3 March 2006, the Council of Ministers approved a bill of a Comprehensive Gender Equality Act (*Anteproyecto de Ley Orgánica de Igualdad entre Mujeres y Hombres*, hereafter "Gender Equality Act"), which made mandatory that all companies of more than 250 workers negotiate firm-level equality plans. In addition, the bill required a quota of 40 percent for women in all electoral lists. Furthermore, the bill increased the length of the period for working men who become fathers of days off work at full pay from two to eight days. The government was also working on the establishment of a fund to guarantee child support (*Fondo de garantía para los impagos de pensiones de divorcio*). In divorce cases, if the person legally obliged to pay child support fails to do so, the state will grant advance child support with the money from this fund (*El País* 18 March 2006, 17). Since the 1980s, the feminist movement had denounced that after many divorce cases delinquent fathers do not pay child support, and as a result, children and women suffered acute economic problems, if not plain poverty.

Gender equality was not only a target of policy making at the central state level, but also became a salient topic in political discourse. For instance, in spring 2005, Prime Minister José Luis Rodríguez Zapatero declared that gender equality was one of the priorities of his mandate, and that his government would not only attempt to change laws, but also lead a progressive public debate on the issue. He added that "the most developed, free and cultivated societies are those where there is equality between women and men" (*El País* 24 April 2005, 25).<sup>3</sup> On more concrete terms, in January 2006, he declared that two of his political priorities for 2006 were the Gender Equality Act and the Dependency Act (*El País* 11 January 2006, 15). After the approval by the cabinet of the bill of the Gender Equality Act, Minister of Labor and Social Affairs Jesús Caldera exultantly affirmed that the bill was the beginning of a "social revolution" (*El País* 5 March 2006, 54).

It is impossible to overestimate the sharp contrast between these socialist measures on gender equality and the policies towards women of predemocratic Spain. From the mid-1930s until 1975, Spain was governed by a right-wing authoritarian regime headed by General Francisco Franco that actively opposed the advancement of women's rights and status. The ideal family was a hierarchical unit, and it was assumed that authority rested with the father, who was supposed to be its sole (or, at least, its main) supporter. Motherhood was defined not only as the main family duty of women, but also as women's main obligation toward state and society. The role of mothering was perceived as incompatible with other activities, such as waged work. During the first Francoism (from the second part of the 1930s until the late 1950s to early 1960s), the state took

measures to prevent women's labor outside the home. An example of this was the requirement that a married woman had to obtain her husband's permission before signing a labor contract and engaging in trade. 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. During the second Francoism (from the late 1950s-early 1960s to 1975), policy makers approved some liberalization measures related to women's status, such as the abolition of some obstacles regarding paid employment (for instance, 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 (Gallego Méndez 1983; Morcillo 2000; Nash 1991).

After 1975, policy makers began to dismantle the discriminatory legislation inherited from Franco's time and to promote women's rights and status. As explained below, part of the drive towards policy reform on gender equality was the desire to emulate EU member states and join the EU. The 1978 constitution explicitly states that women and men are equal before the law, and sex discrimination is prohibited. Due to space constraints, even a mere enumeration of the main gender equality policies in postauthoritarian Spain is an impossible task. I would like to illustrate this change with the following examples: The selling and advertising of contraceptives was decriminalized in 1978. Divorce for civil marriages was permitted in 1981. Whereas the Franco regime actively promoted sex-segregated schooling, the post-Franco governments encouraged girls and boys to go to school together. In 2007, this was the norm (with very few exceptions). A partial decriminalization of abortion took place in 1985. Since then, abortion has been a crime punishable by the Penal Code except on three grounds: when the woman had been raped, when pregnancy seriously endangered the physical and mental health of the mother, and when the fetus was deformed. However, in practice, the mental health clause was used as an (imperfect) proxy for abortion on demand (Blofield 2006, 92). As for childcare, since 1975 the main central state policy has been to supply an ever-increasing number of free educational preschool programs for children between the ages of three and five (mandatory schooling starts at six). In part as a result of this policy, in the academic year 2006/7, school attendance rates for three-, four-, and five-year-olds were comparatively high in Spain, at 96, 100, and 100 percent respectively (Ministerio de Educación y Ciencia 2006a, provisional data).<sup>4</sup> In respect to political representation, since the transition to democracy, the proportion of women in political decision-making positions did increase almost continuously. In the legislative term 2004–2007, the proportion of women among members of the lower chamber of parliament (the Congress of Deputies) was 36 percent. With this number, Spain was ahead of most EU member states, since the proportion of women in the lower chamber of parliament was higher only in Sweden (47

percent), Finland (38 percent), Denmark (37 percent), and the Netherlands (37 percent) (Interparliamentary Union 2006). The increased presence of women in political decision making in Spain has been caused mainly by women's quotas in left-wing political parties (Astelarra 2005, 272–73; Threlfall et al. 2005, 125, 148–49).

In sum, in postauthoritarian Spain, policy makers at the central state level were advocating gender equality policies in line with the policies of other EU member states. Some of these policies were advocated by a coalition of center-right parties—the Unión de Centro Democrático, which governed the country between 1977 and 1982. Although many gender equality policies were installed under the first period of social democratic government (1982–1996), some of them were sustained by conservative governments (1996–2004). Gender equality was firmly on the political agenda regardless of the ideological color of the party in office. Gender equality policy making received an additional push after the electoral victory of the Social Democratic Party in spring 2004.

I next argue that since the transition, the EU has been a positive force for gender equality policy making in Spain. During the last two or three decades, the EU has made some politicians more favorable to gender equality policies. The EU has also given opportunities for mobilization to activists of the women's movement. But the impact of the EU took place in a favorable domestic context characterized by four decisive features. First, the influence of the Catholic Church on politics and private mores declined severely since the transition. Second, the marked presence of women in civil society and the vibrancy of the women's movement meant that female Spaniards formed a women's public that politicians tended to keep in mind. Third, since the transition, the PSOE had backed some demands of the feminist movement due to the increasing mobilization of feminists within the party. Due to increasing electoral competition, since the 1990s, the Conservative Party had converged towards the Socialist Party regarding views on gender equality and actual policy making. Finally, since 1983 the Women's Institute has continuously demanded state interventions aiming at the erosion of gender hierarchies.

## The European Union

Feminist scholarship has increasingly recognized the importance of the EU as a promoter of equal pay and equal treatment of working women and men of EU member states. EU gender equality directives and treaty provisions have set in motion a process of revision of discriminatory domestic legislation in some EU member states. As a result, some national laws became more egalitarian and can be used to fight effectively against discrimination in the labor market (Elman 1996; Hoskyns 1996; Liebert 2003).

As explained above, a traditional gender order (male breadwinner/female homemaker division of labor) was promoted by the right-wing authoritarian regime that governed Spain from the mid-1930s to 1975. In 1977, the first democratic elections were held, and Spain applied for EU membership. The Spanish central state adapted part of its legislation to the principle of equality between women and men in the labor market before its accession to the EU (1986). During all those years, both politicians and public opinion viewed the EU as a very positive point of reference. It was perceived as a group of economically developed and democratic member states to which Spain wanted to belong. The EU advocated to some degree equal opportunity for women and men in labor matters (see Wahl in this volume). In Spain, equality of people of both sexes before the law was identified as a leading principle of modern, Western, civilized, and democratic polities.

Legal reforms continued after 1986 in order to make working women and men equal before the law. In some cases, Spanish law included gender equality stipulations even before the adoption of EU directives. For example, the reversal of the burden of proof was established in Spain in 1989–1990<sup>5</sup> and at the EU level in 1997 (Burden of Proof Directive 97/80/EC). The EU sets only minimum criteria, to be improved by member states if they wish. In a number of relevant cases, Spanish legislation related to gender equality in labor matters has established provisions above the minimum level set by EU directives. This was especially so regarding pregnant workers' rights and parental leave (Lombardo 2004; Threlfall 1997; Valiente 2003c, 196–97).

The EU has served as a source of inspiration for policy makers to reform labor laws regarding gender equality. This has been especially the case for some politicians of the Conservative Party. The Socialist Party included a powerful lobby of feminist activists and leaders who endlessly demanded gender equality policies (see below). But the Conservative Party had no such lobby. Therefore, the pressure on conservative leaders to elaborate gender equality policies usually came from outside their party organization. Let me illustrate this point with the example of sexual harassment policy. Under socialist governments, sexual harassment perpetrated by superiors in the workplace was well established as a serious offence in labor law (1989) and penal law (1995). Contrary to expectations, the following conservative government not only did not abolish the measures on sexual harassment undertaken by the previous Socialist Party, but actually extended their scope. In 1999, unwanted sexual harassment perpetrated by co-workers and subordinates was explicitly prohibited by penal law. This 1999 reform reflected the change of position on sexual harassment of certain conservative policy makers. In the 1980s, the Conservative Party frontally opposed any regulation on sexual harassment. In the late 1990s, some conservative politicians accepted and even promoted a broad state regulation on sexual harassment that included unwanted sexual moves perpetrated by co-workers and subordinates. Such a change

of views was due to EU influences. Some Spanish conservative policy makers had become increasingly aware that in other EU member states sexual harassment perpetrated by co-workers was already explicitly unlawful, and that this type of legal reform was strongly supported by conservative politicians in other countries (Threlfall et al. 2005, 85–90).<sup>6</sup>

The EU has also influenced the Spanish women's movement by providing various incentives for mobilization (for a similar case, see the chapter on Ireland by Cullen in this volume). The example of political representation is pertinent here. On 22 September 1990, the European Women's Lobby was established, which includes Europe-wide women's groups and women's umbrella organizations from each EU member state. The purpose of this lobby is to promote women's interests at the level of the EU (Hoskyns 1996, 185–86). The Spanish Association to Support the European Women's Lobby was founded in March 1993. It is an umbrella association of nationally based Spanish feminist groups, funded mainly with European money and with close ties to the Spanish Socialist Party. Feminists active in left-wing parties with parliamentary representation have increasingly mobilized through this association in the battle for higher numbers of women in political decision-making positions (Jenson and Valiente 2003).

### Secularism and the (Imperfect) Separation of Church and State

Despite the strong influence of the Catholic Church in politics in the past, Spain belongs at least since the 1980s to the group of Western countries with secularized societies and polities. Regarding society, it is true that in 2006 the Catholic Church had an important presence in the education system: approximately one-third of children and youngsters enrolled in preschool, primary, and secondary education attend a center administered by the Catholic Church (Ministerio de Educación y Ciencia 2006a). The majority of adult Spaniards considered themselves Catholic (76.4 percent in October 2006).<sup>7</sup> Although the number of practicing Catholics was much lower than the number of self-declared Catholics, this is significant. In October 2006, 17 percent of self-declared Catholics or believers of other religions affirmed that they attend religious services (excluding social events such as weddings, first communions, or funerals) almost every Sunday or religious festivity, and around 2 percent attend on various days per week (Centro de Investigaciones Sociológicas 2006).

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. Those required to pay income tax (*Impuesto sobre la Renta de las Personas Físicas*, IRPF) had the option of giving 0.5 percent of their tax either to the Catholic Church or to other social causes, or to both, but in 2003, only 22 percent of IRPF tax payers chose the option of the Catholic Church (Ministerio de

Economía y Hacienda 2006).<sup>8</sup> Examples of disconnection between official Catholic doctrines and societal views and behaviors abound. The Catholic Church mandates that couples marry in the church. In the beginning of the twenty-first century, the acceptance of Catholic marriage was high in Spain, but not overwhelming. In 2002, civil marriages accounted for 30 percent of all marriages in Spain. In 2004, civil marriages outnumbered Catholic marriages in two regions: Catalonia and Balearic Islands (*El País* 24 November 2005, 27). Although the Catholic Church urges married women to have as many children as possible, in the beginning of the twenty-first century, Spain had one of the lowest fertility rates in the world. While the Catholic Church prohibits homosexual sex, in June 2004, four-fifths (79 percent) of the Spanish adult population agreed with the statement, "Homosexuality is a personal option as respectable as heterosexuality" (Centro de Investigaciones Sociológicas 2004). 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, since the transition to democracy the church had no large 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 nondenominational 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 other denominations. The especial treatment to the Catholic Church by the state is mainly reflected in important state transfers, tax exemptions, and financial support to most Catholic schools, hospitals, centers of social action, and artistic patrimony. Thus the Spanish Catholic Church was not a self-supporting organization, but one that relied on state money for its economic survival. The Catholic Church accepted the principle of nonconfessionality of the Spanish state, and the constitutional regulation of state-church relations (Bedoya 2006; Casanova 1993, 117; Linz 1993, 35).

The Catholic Church did not agree with some laws regulating moral matters, such as the laws that legalized divorce (1981), liberalized abortion (1985), or permitted gay marriage (2005), but it did not make a big effort to revert them. Resistance by Catholics to these public policies has been more moderate in Spain than in other Western countries. The Catholic Church was not involved in the main political controversies of the country (with the possible exception of the nationalist question in the Basque country) and did not control the agenda of government, but certainly was not silent regarding the matters that the church considers important (education and moral issues such as abortion and sexuality, among others). The church did not explicitly support a political party and did



not ask Catholics to vote for any given party. Nevertheless, the Catholic Church sometimes transmitted a sense of preference when speaking about its position regarding certain issues. At times, this coincided with the position of specific parties (Linz 1993, 32–48).<sup>9</sup>

Church-state relations in democratic and predemocratic Spain could not be more different. During the first Francoism, 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—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). The state economically supported the Catholic Church, which was exempted from taxation. In turn, the church supported the authoritarian regime, provided it with legitimation, and declared the civil war (1936–1939) 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).

In the second Francoism, a small 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. Due 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).

### **Women in Civil Society and the Women's Movement**

Women are increasingly present in organizations of civil society whether in women-only groups or in mixed associations. For example, on average, women outnumber men in the so-called third sector dedicated to social causes (*Observatorio Ocupacional and INMARK Estudios y Estrategias* 2000, 114–16, 129–31;

Pérez-Díaz and López Novo 2003, 214–17, 231–33, 241–42). The branch of the women's movement that is not explicitly feminist is formed by housewives' organizations, widows' associations, mothers' movements, and cultural and religious associations, among others. This branch is currently blooming in terms of number of members and degree of activity (Ortbals 2004; Radcliff 2002; Valiente 2003b). Thus, women now constitute a visible mass public that politicians often take in mind when calculating what policies they support or oppose.

As for the explicitly feminist branch of the women's movement, its first groups were set up in the late 1960s and early 1970s in a period of liberalization of the authoritarian political regime. Many of the first feminists were active in the opposition to the dictatorship, where they encountered illegal left-wing political parties and trade unions. These have been the (uneasy) allies of the feminist movement ever since (Jones 1997; Threlfall 1985).

The feminist movement has influenced gender equality policy making, mainly due to its imbrication with left-wing political parties. In the last three decades, many feminists mobilized within both feminist groups of civil society and left-wing political parties. When these reached power, some of their feminist activists and leaders occupied decision-making positions in the state. From these positions, they could advance claims on gender equality (see below) (Threlfall 1996; Threlfall et al. 2005).

The feminist movement has also intervened in the gender equality policy area, mobilizing public opinion in favor of the need to improve women's status. The case of abortion liberalization is useful to illustrate this point. In the 1970s and 1980s, the Spanish feminist movement was the only actor that systematically and endlessly demanded abortion liberalization. The feminist movement contributed to the creation of a climate of opinion in civil society favorable to the acceptance of abortion reform. Conducive climates of this type permit politicians to make decisions around very conflictual issues such as abortion (Sundman 1999; Trujillo Barbadillo 1999).

### **The Socialist and Conservative Parties on Gender Equality**

Research on gender equality policy making in Western countries suggests that conservative parties facilitate the elaboration of gender equality policies to a significantly lower extent than social democratic parties (Bashevkin 1998; Lovenduski and Norris 1993, 1996; Lovenduski, Norris, and Burness 1994; among others). This is so at least for six reasons. In comparison with social democratic parties, conservative parties (1) tend to be less prone to establish policies in favor of disadvantaged groups of society, including affirmative action, in an attempt to achieve not only that people compete on the same terms, but also that citizens obtain the same results (Lovenduski, Norris, and Burness 1994, 612). (2)

Conservative parties advocate limited state interventions in economic as well as social affairs (Bosanquet 1994; Ruiz Jiménez 1997). (3) Conservative parties support a traditional agenda regarding both sexes (Lovenduski, Norris, and Burness 1994, 611, 630–31), and (4) are supposed to avoid policies that increase public spending.<sup>10</sup> (5) Feminist activism has been less intense within conservative parties. (6) Finally, the proportion of women (whether self-declared feminists or not) among the political elite (not among the rank and file) is usually lower in conservative than in social democratic parties, notwithstanding world-known conservative women leaders such as Condoleezza Rice, Angela Merkel, or Margaret Thatcher.

In Spain, since the transition, some PSOE women have made considerable efforts to force their party to adopt some of the demands of the feminist movement. That the voices of PSOE feminists could be heard was partly because they previously gained organizational status within the party. In 1976, a women's caucus, Woman and Socialism (*Mujer y Socialismo*), was formed in the PSOE and in 1981, a member of the caucus was elected to the PSOE's executive committee, with others following her in successive years. In December 1984, party leaders decided to institutionalize the women's caucus at the federal executive level, whereupon it became the women's secretariat. The feminists in the secretariat successfully added clauses involving women's issues to PSOE congress resolutions, electoral programs, and other documents. In Spain, at the central state level, both in general and with exceptions, the initiative on gender equality policy making has corresponded with the Socialist Party (Astelarra 2005; Threlfall et al. 2005; Verge 2006).

Studies on gender and politics in the Western part of the world have also acknowledged that conservative parties have at times responded to the demands of the women's movement (Lovenduski and Norris 1993, 6–7, 13; 1996, 9; Lovenduski, Norris, and Burness 1994, 611–12). Thus conservative parties have to a limited extent converged towards socialist parties. Women within conservative parties have pressed claims to be fairly treated as party members, activists, and leaders. Conservative parties have included women's issues in their agendas and made some efforts to present a higher number of female candidates in elections. Once in office, conservative parties have been more willing than in the past to appoint women to governing positions, establish some gender equality policies (especially those that do not contradict the free market logic), and set up or maintain gender equality institutions (see below). Nevertheless, the general conclusion of the literature on gender and politics in postindustrial societies is that parties matter and that social democratic parties are usually more active than conservative parties in the search for gender equality.

In Spain, since the early and mid-1990s, gender equality has increasingly become an area of electoral competition (Ruiz Jiménez 2006). If in the 1980s the Conservative Party paid little attention to the issue of inequalities between

women and men, in the 1990s the Conservative Party was trying to convince the electorate that it could elaborate gender equality policy as the Socialist Party had done, or even better. This new political choice of the Conservative Party was reflected in a convergence of its discourses to the discourses elaborated by the Socialist Party in some policy areas, for instance, regarding women's waged employment (Ruiz Jiménez 1999), and in actual policy making once in office, for example, with respect to sexual harassment (Threlfall et al. 2005, 88–90) and childcare (Valiente 2003a).

Two factors are important here: chronology, and the order at which conservative and social democratic parties reach office (Ruiz Jiménez 2002). The Socialist Party was in power for fourteen years (1982–1996). This was a period long enough to set the agenda in government with respect to gender equality. Socialists were able to set targets, values, and staff in government departments and civil service (Astelarra 2005). Between 1996 and 2004, conservative governments preserved most existing gender equality policies established by preceding administrations. Perhaps dismantling existing programs requires too high an electoral cost for any party to pay. This is especially so in Spain, where society is quite secular and women actively participate in civil society (see above). The preservation of previous policies by the Conservative Party initiated a virtuous circle.<sup>11</sup> When the Socialist Party reached power again in spring 2004, it promised to put in place an ambitious electoral platform on gender equality. The PSOE tried to convince the electorate that it is still the vanguard regarding gender equality policy making.

### Gender Equality Institutions

Institutions whose purpose is the advancement of women's rights and status have been established in all Western countries since the 1970s. These institutions are called women's policy machineries (or bureaucracies) or state feminist institutions (Stetson and Mazur 1995). Regarding the Spanish central state, the main state feminist institution, the Women's Institute (*Instituto de la Mujer*, IM) was established thanks to the efforts of feminists within the PSOE, many of whom were (or had been) members of feminist groups in civil society as well (Threlfall 1998).

The major IM objective is to promote policy initiatives for women. The IM is an administrative unit that was first attached to the Ministry of Culture and then moved to the Ministry of Social Affairs created in 1988.<sup>12</sup> In spite of its late establishment in comparison with feminist machineries in other Western countries, the IM is now comparable to those institutions in terms of personnel, budget, and the extent of its functions (Threlfall 1996, 124; 1998). The IM has its own director, staff (around 170 members), facilities, and independent budget. The staff and resources of the IM have constantly increased. In 2006, the IM had an annual budget of 26.25 million euros (*El País* 28 September 2005, 67).

Elsewhere (Valiente 2006), I have shown that between 1983 and 2003, the policy impact of the IM was high under two circumstances: when the issue under political discussion and negotiation was a priority for both the IM and the feminist movement, and when the policy area was open to the intervention of social and political actors different from the usual participants. Three other factors facilitated a high impact of the IM but were not strictly necessary: the cohesion of the feminist movement around certain demands, an IM leadership close to the feminist movement, and the left in power. The policy impact of the IM has also depended on the issue itself. The IM has advanced gender equality provisions in the policy area of political representation, violence against women, sexual harassment in the work place, and abortion. The policy impact of the IM has been modest but nonetheless relevant on prostitution, and negligible regarding job training, childcare, and unemployment protection (Threlfall et al. 2005, 81–124; Valiente 2006, 2003a).

Even if the impact of the IM on gender equality policy has been mixed, its impact has taken place continuously for more than two decades and under governments of different ideologies. The IM has provided all governments with ideas, demands, and expert knowledge on gender equality policy making.

## Conclusion

In Spain, the current socialist government at the central state level has promoted progressive gender equality policies, such as a cabinet formed by an equal number of male and female ministers and a comprehensive Gender Violence Act. Other gender equality measures were seriously considered in 2007, such as a bill of an encompassing Gender Equality Act.

How has the current government arrived at this point, given the fact that thirty years ago Spain was a laggard regarding both gender equality and gender equality measures? In this paper, I have argued that since the transition, the EU has functioned as a positive background for gender equality policy making. But the influence of the EU has taken place in a conducive domestic environment due to the interplay of four societal and political factors in the last three decades: secularization and the (imperfect) separation of church and state, the growing presence of women in civil society, the increasing support of gender equality policy making by both the Socialist and (to a lesser extent) the Conservative Party, and the activities of gender equality institutions.

A deficit of implementation is the pending problem of Spanish central state policies on gender equality. For instance, a report by Amnesty International (2005) denounced that the Gender Violence Act has been put in practice with grave irregularities. This means that the state often failed to protect some victims, who were murdered by the perpetrators they accused. The inadequate application

of policies in favor of women is a very serious problem that should not be underemphasized. However, the weak execution of gender equality measures did not invalidate the intrinsic worth of the measures themselves. Moreover, policies towards women were also badly implemented under Franco, but scholars unanimously disregard this fact while asserting that Francoist policies severely curtailed women's rights (Gallego Méndez 1983; Morcillo 2000; Nash 1991).

The acceptance of current central-state gender equality policies is widespread but not unanimous. Several judges lodged appeals to the Constitutional Court on the grounds that the Gender Violence Act is unconstitutional. The main employers' organization frontally opposed the Gender Equality Act and conceptualized it as a "death wound to social dialogue" (*El País* 4 March 2006, 1). A part of the feminist movement acknowledged the push towards gender equality given by the present socialist government, but criticized the conception of women and men inserted in these policies. According to these feminists, the government often portrays women as intrinsically weak and in permanent need of state protection, and men as inherently mean and needing state repression (*El País* 18 March 2006, 17).

Current Spanish gender equality measures have yet to produce societal change regarding enormous unsolved problems. For instance, in the month of August 2005 alone, seven women were killed by their spouses or partners (*El País* 30 August 2005, 29). In international assessments on gender equality by country, Spain does not still occupy a good position. According to the assessment made by the World Economic Forum (2005), Spain ranks at number twenty two among the thirty OECD countries regarding gender equality.<sup>13</sup> Given the marked gender inequalities that still characterize the Spanish society, the last thirty years of gender equality policy making, and the progressive features of the last gender equality measures, it is time to ask whether the solution to the problem of gender hierarchies lies in gender equality policies, in public policies in general, or in other realms.

## Notes

1. In this chapter, the words "social democratic" and "socialist" are used as synonymous. Given space constraints, this chapter only deals with policies elaborated by the central state. For policies at the regional level, see Bustelo and Orthals (2007).
2. In the past, the EU had other names. For the sake of brevity, only the EU is used in this chapter.
3. In this chapter, the translation from Spanish to English has been made by Celia Valiente.
4. In contrast, the proportion of Spanish children aged two or younger cared for in public or private centers was comparatively low: 4 percent for children younger than one year, 14 percent of children aged one year, and 28 percent for those two years old (academic year 2004/5: Ministerio de Educación y Ciencia 2006b). For more on work-family policies in EU member states, see the chapter by Morgan in this volume.
5. Basis 19.4 of Act 7/1989 of 12 April, and Article 96 of Royal-Decree Law 521/1990 of 27 April.

6. On the EU politics on sexual harassment, see the chapter by Zippel in this volume.
7. In the same opinion poll, 2 percent of the interviewed considered themselves believers of other religions, 13 percent not-believers, 6 percent atheist and 2 percent did not answer.
8. Also in 2003, 32 percent of IRPF taxpayers chose the option "other social causes," 12 percent chose both options, and the remaining 34 percent chose none of the three.
9. on a contrasting case of a much less secularized polity, see the chapter on Poland by Regulska and Grabowska in this volume.
10. A mild variant of this agenda would emphasize that the family is the basic cell of the social fabric. Historically, the family has been the sphere where women dedicate more efforts than men. Some (or many) women may also want (or have to) work for wages. Nevertheless, society has to be organized to support family and caring tasks. The main family function of most men (economic provision) and most women (the management of the intimate sphere in combination or not with bread-winning) are different but complementary, and of equal worth for the development of society and its weakest members (children). Then, conservative governments would try to facilitate that women perform their family responsibilities. Conservative administrations would be less active in making the labor market an equally attractive and rewarding place for women and men.
11. The metaphor of the virtuous circle has been used by other analysts of gender and politics in Spain, including Verge (2006).
12. In 1996, the Ministry of Labor and Social Security and the Ministry of Social Affairs were merged into the Ministry of Labor and Social Affairs, upon which the IM depends.
13. This study measures the extent to which women have achieved full equality with men in five areas: economic participation, economic opportunity, political empowerment, educational attainment, and health and well-being.

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