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CHAPTER 10

Gender Equality Policymaking in Spain (2008-11): Losing Momentum

Celia Valiente

In the first term of Socialist prime minister Jose Luis Rodriguez Zapatero (2004-2008), legislation such as the 2004 gender violence law and the 2007 gender equality law put Spain at the vanguard of gender equality policymaking in the European Union (EU) (Calvo & Martin 2011; Leon 2011b; Lombardo 2009; Valiente 2008).¹ In contrast, a first glance at his second term (2008-11) would lead us to conclude that there was a more modest, but not negligible, level of innovation in gender equality policy. While the executive continued to appoint a large number of women to positions of political decision-making and parliament passed important legislation, in particular abortion decriminalization and new regulations for domestic workers, in general these measures have not been considered pathbreaking.

However, this chapter argues that if we consider both policy formulation and implementation, the contrast between the Socialist Party's (PSOE) record on gender equality policymaking in Prime Minister Zapatero's first and second terms is less pronounced than a superficial observation would lead us to conclude.² Some social and political factors conducive to proactive women's rights policymaking were present in both terms, including secularization and an (imperfect) separation of church and state, the high presence of women in civil society, the (relative) vitality of the women's movement, interparty consensus on many (but not all) gender equality issues, and consolidated gender equality institutions (Valiente 2008). Nonetheless, in the second term, there was less room for legislative reforms to improve women's status precisely

because major legal changes had already passed between 2004 and 2008. These needed to be implemented in the subsequent years. Therefore, policymakers were busy not so much adopting innovative legislation but rather implementing policies passed during the first term. This was a task of monumental proportions because of the ambitious goals to be reached, and would be extremely hard to achieve in any economic context. The economic crisis that marked the second, but not the first, term made their full implementation nearly impossible. When the conservative Popular Party (PP) won an absolute majority of the seats in the November 20, 2011, general elections, the Spanish economy was in deep trouble. It was therefore relatively easy for PP politicians to declare that the implementation of costly policies would simply be paralyzed.

This chapter is organized in four parts. The first part succinctly describes gender equality policymaking during the Zapatero governments, contrasting developments in the first and second terms, and places these developments in historical perspective. The second part explains why the PSOE's record on gender equality policy was more modest in the second term than in the first. The third part addresses what remains to be done in the policy area of women's rights according to different strands of the women's movement. In the fourth part, I evaluate the prospects for gender equality policy under the PP administration that won office in 2011. The research is based on secondary sources, legislation, and newspaper reports, as well as face-to-face semistructured interviews with the general secretary on equality policies between 2004 and 2008, Soledad Murillo,³ and six leaders of the women's movement.⁴

Central State Gender Equality Policies

The Historical Context

To better understand the policies adopted during Zapatero's two terms in office, it is important to provide some historical perspective on gender policy and women's status. First, there is a sharp contrast between the Socialist policies toward women covered here and the policies of predemocratic Spain. From the mid-1930s until 1975, Spain was governed by a right-wing authoritarian regime, headed by General Francisco Franco, which 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 a woman's main family duty, but also as a woman's primary national and societal obligation. The rule of mothering was seen to be incompatible with edict activities, such as paid work. Between the late

1930s until the late 1950s to early 1960s, the state took measures to prevent women from working outside the home. An example of this was the requirement that married women obtain their husbands' permission before signing a labor contract and "engaging in trade." Sex-segregated schools were the norm; boys and girls not only attended different schools but also studied different curricula. Divorce was illegal, and the selling and advertising of contraceptives was criminalized. Abortion was defined as a crime punished by prison. From the late 1950s and early 1960s to 1975, policymakers of the Francoist regime approved some liberalizing measures related to women's status. They abolished some obstacles to paid employment, for instance, the prohibition against women working once married, and also the exclusion of women from some professions in the field of law. Liberalization, however, did not take place regarding the regulation of sexuality or reproduction (Morcillo 2000; Ruiz 2007).

The PSOE politicians who governed Spain between 2004 and 2011, however, were not the first public officials to elaborate gender equality policies in postauthoritarian Spain. While it is not possible to enumerate all of the gender equality policies enacted between 1975 and 2004, let me refer to some examples. The selling and advertising of contraceptives was decriminalized in 1978. Divorce in cases of civil marriage was permitted in 1981. The post-Franco governments encouraged girls and boys to go to school together, and this is now the norm with very few exceptions. A partial decriminalization of abortion took place in 1985 (Biofield 2006). Additionally, since 1975, the central state and later the regional governments have provided an ever-increasing number of free educational programs for children between the ages of three and five (school is mandatory at six years of age). In part as a result of this policy, school attendance rates for three-, four-, and five-year-olds are comparatively high in Spain at 99, 99, and 100 percent, respectively (academic year 2009–10).⁵

The center-right Union of the Democratic Center (UCD) that governed the country between 1977 and 1982 advocated some of the gender equality policies initiated after 1975. Although the PSOE governments between 1982 and 1996 enacted many gender equality policies, the conservative PP governments between 1996 and 2004 maintained some of them. Gender equality therefore was firmly on the political agenda regardless of the ideological color of the party in office. Gender equality policy received an additional push after the electoral victory of the PSOE in the spring of 2004.

Developments during the Zapatero Years

Policymaking on women's rights during Zapatero's first term has often been considered to be in the vanguard. The PSOE's actions also coincided to a substantial degree with the demands of the feminist movement. After the

2004 general elections, the social democratic government quickly initiated a series of proactive gender equality policies. In 2004, the parliament passed the law on the integral protection against gender violence (organic law 1/2004, of December 28, 2004). It contained a full package of prevention, protection, and punishment measures. One of its main innovations is that the punishment for domestic violence is more severe when it is committed by men than by women. The prevention of violence against women has been a priority and a unifying battle for the Spanish feminist movement over the last two decades. Additionally, law 13/2005 of July 1, 2005, the so-called 2005 gay marriage law, permitted same-sex marriage. This law satisfied the demands advanced by part of the feminist movement to provide equal family rights- to all people regardless of their sexual orientation. Parliament approved a new law that regulated divorce in 2005 (law 15/2005 of July 8, 2005, hereafter the 2005 divorce law). It permits shared custody only if both parents want it, which was in line with the preferences expressed by many but not all feminist organizations that judges should not grant shared custody in the absence of the parents' agreement.⁶ In 2006, parliament also passed a law to promote the personal *autonomy and care* of dependent people, defined as those who cannot care for themselves (law 39/2006, of December 14, 2006, hereafter the 2006 dependency law). It established the universal right of dependent people to receive care partly or completely financed by the state. For decades, the feminist movement denounced the fact that dependent people were cared for mainly by female relatives on an unpaid basis, and, in turn, they demanded some state responsibility in the provision of care.

Additionally, in 2007, a comprehensive gender equality law was passed (organic law 3/2007, of March 22, 2007). Among other provisions, the law required all companies with more than 250 workers to negotiate firm-level equality plans. It mandated a candidate quota, requiring that 40 percent of candidates on all electoral lists be women, and established 13 days of paternity leave, at full pay. In prior decades, part of the feminist movement had denounced that gender equality policy was comprised of a set of dispersed legal provisions, and recommended the adoption of a general equality act. The feminist movement in general favored state action to force private companies to actively pursue gender equality in the workplace, to compel political parties to adopt quotas for women, and to encourage men to provide care.

Women's access to high political office is also a dimension of gender equality policymaking for at least two reasons. First, a high proportion of women in key decision-making positions sends a clear message to society that the government is seriously committed to giving political power to women. Additionally, research on political elites in Western countries

concludes that male and female politicians behave differently in the policy area of women's rights, although differences are small. For instance, studies of female members of parliament (MPs) show that in comparison with their male counterparts female MPs are more interested in feminist issues, such as wage equality between women and men and abortion, and in issues traditionally associated with women, such as family and children's issues (the so-called feminine issues) (Childs 2001). Female MPs from time to time translate their interest in feminist and feminine issues into political behavior, since they at times manage to include both types of issues on the political agenda (Dodson 2001). On feminist and feminine issues, female MPs sometimes vote differently from male MPs, although voting differences by gender are small due to party discipline (Ross 2002). After the spring 2004 elections, Prime Minister Zapatero formed a government with an equal number of female and male ministers. One of the two vice presidents of the government (the functional equivalent of a deputy prime minister) was a woman: Maria Teresa Fernandez de la Vega, a well-known feminist.

The establishment and/or consolidation of institutions dedicated to gender equality is another important dimension of gender equality policymaking because these institutions are in charge of advancing measures that erode gender hierarchies (Stetson & Mazur 1995). The Zapatero government created a highly ranked institution of gender equality in the Ministry of Labor and Social Affairs: the general secretariat on equality policies. A prominent feminist Soledad Murillo, an associate professor of sociology with expertise on gender research, was appointed to the position. Her appointment was backed by most individuals and organizations of the feminist movement. Between 1983 and 2004, the gender equality institution of the highest rank had been the women's institute. After 2004, the women's institute was institutionally linked to the general secretariat on equality policies. The creation of the general secretariat meant the upgrading of the gender equality machinery as it was ranked at a higher institutional level than the women's institute.

During Zapatero's second term, the PSOE continued the trend of forming cabinets with a large number of women. During the first term, all PSOE cabinets except one had the same number of women and men, the exception to this pattern being the cabinet active between July 2007 and April 2008 with seven women and nine men (44 percent women). During the second term, the cabinets had even more women than men (53 percent), the exception to this pattern being the cabinets active between October 2010 and December 2011 where women formed 47 percent of cabinet members.⁷ This remarkable presence of women was internationally known in part due to specific appointments. For example, the picture of Minister of Defense Carme Chacón, the first pregnant woman to serve in cabinet in democratic

Spain, visiting troops in Afghanistan in April 2008 while in the last term of her pregnancy, immediately reached the global audience of the international mass media. In April 2009, another woman, Elena Salgado, became not only minister of economy and finance but also vice president of the government. However, during both terms, the presence of women in executive ranks below the cabinet level was more modest. The proportion of female secretaries of state, the political position immediately below ministers, fluctuated between 20 and 25 percent between 2006 and 2011, with the exception of 2008 when it reached the highest level at 31 percent. The proportion of women among subsecretaries, the position immediately below secretaries of state, oscillated between 25 and 29 percent between 2006 and 2011.⁸ In both terms, the PSOE's record on women's presence among the parliamentary elite was impressive: the proportion of women among PSOE MPs in the Congress of Deputies, the lower and more significant chamber of parliament, was 43 percent in 2008 and 46 percent in 2004.⁹

Regarding gender equality institutions, the second term started in April 2008 with the creation of the ministry of equality, which was the highest ranked gender equality institution ever established. However, in spite of this, the PSOE's record on institution building related to gender equality was mixed. Thirty-one-year-old Bibiana Aído, the youngest woman to serve in cabinet in democratic Spain, was appointed minister of equality. She had not been formerly known as a gender expert or as a member of the women's movement (Bustelo 2009, 534). She had no previous experience in policymaking at the central state level, and she was not a party heavyweight. In October 2010, the ministry of equality was dismantled. Gender equality became the competence of the newly created state secretariat of equality within the newly created Ministry of Health, Social Policy and Equality. Former minister Aído became state secretary of equality. Thus, institutionally gender equality was demoted because a state secretariat ranks below a ministry.

During the second term, one of the chief legal reforms related to women's rights was the 2010 decriminalization of abortion. Abortion on demand during the first 14 weeks of pregnancy was permitted by organic law 2/2010, of March 3, 2010 (hereafter, the 2010 abortion law).¹⁰ Also, according to the law, girls aged 16 and 17 years do not need parental consent to attain an abortion.¹¹ Most groups in the Spanish feminist movement have been united in calling for abortion on demand since the 1970s, when Spanish feminists first mobilized in favor of decriminalizing abortion (Prata 2007). On paper, the 2010 abortion law represented a huge departure from previous abortion regulation. Under the prior 1985 abortion law, abortion was a crime punishable under the penal code except on three grounds: when the woman had been raped; when the fetus was deformed; and when pregnancy seriously

endangered the physical and mental health of the mother. However, in practice, the 2010 abortion law meant a significant but not immense departure from previous abortion regulation. This is because the mental health clause in the 1985 act was used as an imperfect proxy for abortion on demand (Blofield 2006, 92). Nonetheless, abortion on demand was not permitted by the 1985 law. Therefore, doctors and women were under continuous threat of prosecution, which only a legal reform could remedy (Barreiro 1998, 248-52).

Another major legal reform of the second term could have been the extension of paternity leave, at full pay, from thirteen days to four weeks. Law 9/2009, of October 6, 2009, established that the extension would be implemented in 2011. The law was important because it reflected the PSOE's willingness to provide fathers with incentives to care for their newly born babies. However, at the time of writing, it has not taken effect because the last Socialist cabinet and subsequently the first PP cabinet decided to postpone its implementation due to economic constraints.

Additionally, immediately before the 2011 elections, the last Socialist cabinet approved legislation on domestic workers, the overwhelming majority of whom are women. Royal decree 1620/2011, of November 14, 2011, significantly departed from the prior regulations (royal decree 1424/1985, of August 1, 1985) by improving the labor rights of domestic workers. In order to show the contrast between the 1985 and 2011 regulations, let me highlight several aspects of the law. The 2011 regulation made written contracts obligatory, with some exceptions, and assumed that contracts are indefinite, again with some exceptions, while the 1985 regulation also allowed verbal contracts and assumed that contracts were year-long, again with exceptions. Although both, the 1985 and 2011 regulations stipulated that the workers salary must be equal or above the general minimum wage, the 2011 legislation abolished the employer's right to deduct up to 45 percent of the employees salary for food and accommodation. The 2011 regulations also raised the amount of the extra pay received twice a year from the equivalent of 15 days of pay to a month's pay. The 2011 legislation increased severance pay, per year worked, from 7 to 12 days' salary. Under the 2011 regulations employers also had to pay social security contributions beginning with the first hour of work. In contrast, under the 1985 regulations, employers did not have to pay social security contributions if they hired domestic workers for less than 20 hours per week (Leon 2012).

The regulation of domestic work affects a significant number of people. In February 2012, 288,100 domestic workers were included in the social security system.¹² However, this only includes those who work in the formal sector of the economy. Experts estimate that at least the same number of

people, if not more, work as domestic workers in the informal sector (Leon 2010). According to the Household Budget Survey (*Encuesta de Presupuestos Familiares*), in 2010 one out of seven households (14 percent) in Spain hired domestic workers.¹³

In sum, during Prime Minister Zapatero's second term, women's presence in high political office remained considerable. PSOE policymakers made access to abortion easier and at least on paper improved labor conditions for domestic workers. Generally speaking, though with exceptions, academic research and the mass media have not considered these developments to be seminal.

The (Relatively) Modest Record of Gender Equality Policymaking in the Second Term: An Interpretation

What explains the more modest record of legislative innovation on gender equality in the second term? To answer this question, I focus first on the reduced room for pioneering reforms, and, second, on the difficulties of implementing the measures approved during the first term.

Reduced Room for Policy Innovation

The comprehensive character of legislative reforms in the area of gender equality during the first term meant that PSOE politicians in the second term had only a small area in which to formulate policy on women's rights. Nonetheless there were important issues remaining, such as abortion rights. Generally speaking, abortion is a highly controversial issue in most polities and Spain is no exception to this rule. In Spain, abortion and women's quotas are the gender issues on which the positions of the PSOE and PP differ the most.

Abortion decriminalization consumed much of the energy of Socialist women's rights policymakers between 2008 and 2010. The establishment of abortion on demand in 2010 was preceded by acute controversy between political and social actors, and received intense mass media attention. The PP opposed both abortion on demand and 16- and 17-year-old girls' having access to abortion without parental consent. Moreover, the dispute was not settled with the passage of the 2010 abortion law because the PP lodged an appeal with the Constitutional Court arguing that some of its articles were unconstitutional. At the time of writing, the Court has not released a ruling. This was not the first time that the PP lodged an appeal with the Court against a Socialist gender equality measure. In 2002, the party challenged the regional laws that made a 40 percent women's quota mandatory in some subnational elections, and in 2007 regarding the 40 percent mandatory quota for women established for all elections by the 2007 gender equality law. This

issue was settled in 2008, when the court ruled that mandatory quotas were constitutional (Verge 2012, 402-404). The severe controversy surrounding abortion is a reminder that gender equality policymaking may be difficult for reasons other than economic constraints.

Difficulties of Policy Implementation

The innovative gender equality policies of the first term also had to be implemented in the subsequent years. Implementation absorbed the attention and energy of PSOE public officials during the second term. The rampant economic crisis made the implementation of any measure a difficult task, but the recession was not the only obstacle. Weak implementation has been a feature of gender-equality policy more generally in democratic Spain (Leon 2011b; Lombardo 2009; Valiente 2008).

The 2006 dependency law illustrates the difficulties of implementation. Other things being equal, a welfare state that provides extensive care services saves women from having to provide care for others on an unpaid basis. Comparatively speaking, the Spanish welfare state has usually been described as one that offers very few care services. Families (and in practice, mainly women within them) are responsible for the provision of care that dependent people of any age need (Esping-Andersen 1990; Leon 2011a, 3; Sarasa 2011). The 2006 dependency law departed from *the* existing situation by establishing some state responsibility for the provision of care needed by dependent people. If implemented correctly, it would liberate many women from having to provide care to relatives on an unpaid basis.

The law envisaged a classification of dependent people according to three degrees of dependency (moderate, severe, and total) and two levels within each degree. Dependency here means the need for assistance to perform daily activities, and dependents would receive benefits according to their degree of dependence. The benefits ranged from monetary transfers to care services, such as in-home help, remote assistance, day care and night care centers, and institutional care. The law also envisaged the full implementation of benefits by 2015, starting gradually with dependents with the highest degree of dependence and finishing with people with the lowest degree (but see the following paragraphs). There is no doubt that the dependency law has provided a significant number of dependent people with monetary transfers and/or care services that enhance their personal autonomy. On March 1, 2012, 1,614,748 people had applied to be considered dependents, and 94 percent of these applications (or 1,515,294 applications) were processed. On the same date, 1,046,515 people were officially classified as dependents and thus entitled to some benefits.¹⁴

What we now know is that the implementation of the 2006 dependency

law was riddled with difficulties from the outset. As Leon (2011b, 69) synthesized, "Insufficient and unclear financing, tensions between different levels of government and lack of a realistic assessment of available resources have translated into a weak transposition." Although most dependents were to be given access to care services, this is not what has happened. On March 1, 2012, 52 percent of the benefits granted were monetary transfers.¹⁵ Monetary transfers have become much more common than what the law foresaw probably because care services are very costly, and existing care services were underdeveloped (Leon 2011a, 8-9; Sarasa 2011, 247-51). The implementation of the law was geographically uneven, with some regions making greater advances, such as Andalusia, and others falling behind, such as Valencia and Madrid. This geographical imbalance means that two people with the same level of dependence but living in different regions may be granted different benefits (Leon 2011a, 8).¹⁶ The economic crisis exacerbated the problems of implementation. After the transfer of governmental power to the PP, the government suspended new applications to be declared dependent in the lowest dependency category for 2012 (royal decree 20/2011, of December 30, 2011).

What Remains to Be Done on Women's Rights

During both terms, the formulation of women's rights policy corresponded with the major legal reforms historically demanded by the feminist movement. However, as shown earlier, the same positive assessment cannot be made of policy implementation. Feminist activists time and again have insisted that what is still pending is the full implementation of the measures adopted between 2004 and 2011.¹⁷ Women's organizations close to the PP, such as the Female Employers and Managers Organization, also argue that the implementation of the legal reforms is one of the pending tasks.¹⁸

While the PSOE, between 2004 and 2011, fulfilled many of the legislative demands advanced by the feminist movement, prostitution is one main exception. As in many other Western countries, the Spanish feminist movement is sharply divided on the subject of prostitution. A sector of the movement is abolitionist. Abolitionists consider prostitution to be an affront to people's dignity; it is then irrelevant whether prostitutes voluntarily consent to prostitution or not. Abolitionists argue that prostitutes should not be legally defined as criminals; in contrast, people who promote the prostitution of others or benefit from it should be severely punished. They also demand that the state and society make serious efforts to help women leave prostitution.¹⁹

When the PSOE gained power in 2004, broadly speaking, Spanish legislation was (imperfectly) abolitionist. Prostitutes were not legally defined as criminals, and people who benefitted from the prostitution of others were punished (up to four years in prison). Punishment was higher in

the case of the prostitution of minors or of those defined as legally incapacitated, such as the mentally handicapped or disturbed (hereafter "legally incapacitated"). During the Zapatero years, the legislation on prostitution that existed in 2004 remained basically unchanged.

However, the PSOE took measures to combat the trafficking of women for sexual exploitation. For instance, in December 2008, the government approved the "integral plan to fight against trafficking in people with the aim of sexual exploitation." Among other initiatives, this comprehensive set of measures established (or improved) protection and benefits for victims who report their traffickers.²⁰ A 2010 reform of the penal code punished, with up to eight years of prison, those who trafficked in people with the purpose of sexual exploitation (organic law 5/2010, of June 22, 2010).

However, the Socialists did not satisfy the main demands of the abolitionist sector of the movement, who advocated the criminalization of behaviors surrounding prostitution that the existing penal code does not define as crimes, for instance, promoting the prostitution of others (who are not minors or legally incapacitated). Furthermore, abolitionists wanted the state to take significant proactive steps to help women stop working as prostitutes.²¹

In contrast with abolitionists, other activists from the feminist movement support the regulation of prostitution. According to their view, there are two types of prostitutes; those who engage in prostitution voluntarily and those who are forced into prostitution by others. They argue that the state should actively fight to prevent forced prostitution but not voluntary prostitution. These activists conceptualize voluntary prostitutes as sex workers and demand that the state treats them the same as other workers, for example, by allowing them to contribute to the social security system.²² The Socialists did not satisfy the chief demands of this sector of the movement either because the PSOE did not regulate free prostitution as a profession (as sex work).

It is important to note that the women's rights legislation developed between 2004 and 2011 did not cover all aspects of gender inequality. Therefore, reforms are still pending and necessary to erode gender hierarchies.²³ Childcare is a case in point. In contemporary Spain, preschool works as a functional, although imperfect, equivalent to childcare services for children of certain ages. As mentioned earlier, Spanish preschool attendance rates are among the highest in the EU for children aged three, four, and five. Conversely, the proportion of Spanish children aged two or younger who are cared for in centers is comparatively low: 8 percent for children younger than one year, 28 percent of children aged one year, and 45 percent for those two years old (academic year 2009–10).²⁴ However, the policies developed during this period were not aimed at significantly

increasing care services for babies, toddlers, or children. The current low level of childcare services is still a primary obstacle for Spanish women to be able to combine work and family.

Future Prospects under Popular Party Rule

The beginning of the new legislative term in late 2011 was marked by a decrease in women's presence in high political office. Although the vice president (and minister of the presidency, and cabinet spokesperson) of the new PP government is a woman, Soraya Saenz de Santamarfa, the proportion of women in the first PP cabinet is 31 percent (four women and nine men). This is significantly lower than the proportion of women in cabinets during the prior Socialist governments: usually 50 percent.

After the 2011 general elections, 36 percent of PP parliamentarians in the Congress of Deputies were women. This is lower than the equivalent PSOE proportions in 2004 and 2008 (46 percent and 43 percent, respectively), but only slightly below the portion of PSOE deputies who were women in 2011 (39 percent).²⁵ As for gender equality institutions, at the beginning of the legislative term, the policy area of gender equality lost institutional importance. After the disappearance of the Ministry of Equality during the prior Socialist term, the institution with the highest administrative rank in charge of gender equality as its only competence was the state secretariat on equality. After the PP reached power in 2011, the highest ranked institution dedicated exclusively to gender equality was the women's institute. This was the same institutional situation that had existed in the period between 1983 and 2004.

Research on gender equality policymaking in Western countries suggests that conservative parties facilitate the development of gender equality policies to a lesser extent than social democratic parties (Bashevkin 1998; Lovenduski & Norris 1993, 1996; Lovenduski et al. 1994). Nonetheless, 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 women's movements (Lovenduski & Norris 1993, 6-7, 13; 1996, 9; Lovenduski et al. 1994, 611-12). Thus conservative parties have to a limited extent converged with socialist parties. Nevertheless, the general conclusion of the gender and politics literature on postindustrial societies is that parties matter and social democratic parties are usually more active than conservative parties in the search for gender equality.

In Spain, since the 1990s, gender equality has increasingly become an area of electoral competition. In the 1980s, the conservative Popular Party paid little attention to the issue of inequalities between women and men; by the 1990s the conservative party was trying to convince the electorate that its

gender equality policies would be as good as the Socialist Party's, or even better. This strategic choice by the conservative party was reflected in a convergence of its discourse with the discourse of the Socialists in some policy areas, for instance, with regard to women's waged employment, and in actual policymaking once in office, for example, with respect to sexual harassment and childcare. Between 1996 and 2004, the PP governments preserved most existing gender equality policies established by the preceding Socialist administrations (Bustelo 2009, 533, 543; Ruiz 2006). Thus, one may argue that after the 2011 general elections, the PP will likely maintain most (but not all) of the gender equality measures passed during the Zapatero years. However, one caveat is necessary here. After 1982, the PSOE was in power for fourteen years (1982–96). This was a sufficiently long period to set the governmental agenda with respect to gender equality. The Socialists were able to set targets, values, and staff in government departments and in the civil service. When the PP gained power in 1996, perhaps dismantling existing programs would have represented too high of an electoral cost for the PP (or any party) to pay. Conversely, in the twenty-first century, the PSOE was in office for seven years (2004–11). The Socialists' legacy on gender equality was probably less consolidated in 2011 than in 1996.

The main exception to the general assumption that the PP will preserve existing womens policies is likely abortion regulation. After the 2011 general election, key PP politicians, including Minister of Justice Alberto Ruiz Gallardon and PP General Secretary Dolores de Cospedal, restated their opposition to both abortion on demand and minors' access to abortion without parental consent. Although PP policymakers have not provided all of the details of the abortion policy they favor, they seemed to indicate that they will restore a policy similar to the 1985 regulation.²⁶

Preserving Socialist gender equality policies is not an easy task because these policies have to be implemented. While economic constraints will surely put a brake on the PSOE's gender equality legacy, these are not the only obstacles. The case of the 2011 regulation of the domestic sector illustrates the point. Domestic work is performed in private homes where the labor inspectorate's action is very weak. Many employers may be tempted to hire in the informal sector of the economy in order to escape employers' obligations, which are tougher under the 2011 regulation. Spain in the first quarter of 2012 had the highest unemployment rate in the EU (24 percent).²⁷ This means that employers are able to find numerous women willing to work in private homes as domestic workers under working conditions that are considerably below the level mandated by the law (Leon 2012). Weak implementation is likely to continue to characterize the policy area of gender equality in the near future.

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Notes

1. In this chapter, the words “social democratic” and “socialist” are used synonymously. Given space constraints, this chapter only deals with policies elaborated by the central state. For policies at the regional level, see Bustelo and Ortals (2007) and Ortals et al (2012).
2. For the sake of brevity, I use the expressions “first term” and “second term” to refer to “first PSOE legislative term” and “second PSOE legislative term,” respectively.
3. Interview with the author in Salamanca on May 3, 2012.
4. Inmaculada Alvarez, president of Female Employers and Managers Organization (Madrid, May 9, 2012); Rosario Carracedo, spokesperson of the Platform for the Abolition of Prostitution (Madrid, May 8, 2012); Angela Cerrillos, president of Female Lawyers Association Themis (Madrid, April 16, 2012); Susana Martinez, president of the Commission for the Investigation of Violence against Women (Madrid, May 7, 2012); Lucia Mazarrasa, vice president of Forum of Feminist Politics (Madrid, April 20, 2012); and Justa Montero, member of the Spanish Federation of Feminist Organizations (Madrid, May 12, 2012).
5. Ministerio de Educacion, Cultura y Deporte, *Las cifras de la education en Esparta, curso 2009—2010*.
6. Author interviews with Angela Cerrillos and Susana Martinez.
7. Author’s calculation based on ministerial appointments published in the *Boletín Oficial del Estado*.
8. C. Nogueira, “Solo el 28% de los altos cargos nombrados por Rajoy son mujeres,” *El País*, April 10, 2012, p. 32. Instituto de la Mujer, *Mujeres en cifras*. Available at: <http://www.inmujer.gob.es/estadisticas/portada/home.htm> (last accessed on April 7, 2012).
9. Instituto de la Mujer, *Mujeres en cifras*. See previous note.
10. In cases of grave risks to the mother’s life or health, and fetus’s grave anomalies, abortion can be performed up to the twenty-second week of pregnancy. After that moment, abortion is permitted on two grounds: when the fetus’s anomalies are incompatible with life, and when the fetus has an extremely grave and incurable illness.
11. They must, however, inform at least one parent, except in cases of conflictual households when such news would cause extreme conflict.
12. Ministerio de Empleo y Seguridad Social, *Boletín de estadísticas laborales, actualizado a 8 de marzo de 2012*.
13. Instituto Nacional de Estadística, “Encuesta de presupuestos familiares año 2010,” *Notas de prensa*, October 27, 2011. Available at: <http://www.ine.es/prensa/np683.pdf>.
14. IMSERSO, *Información estadística del sistema para la autonomía y la atención a la dependencia: Situación a 1 de marzo de 2012*. Available at: www.dependencia.imserso.
15. IMSERSO, *Información estadística del sistema para la autonomía y la atención a la dependencia: Situación a 1 de marzo de 2012*. See previous note.
16. C. Moran, “Cdsar Anton director del IMSERSO: ‘No se atiende igual a la gente con la misma dependencia,’” *El País*, March 19, 2012, p. 34.

17. Author interviews with Angela Cerrillos, Susana Martinez, and Lucia Mazarrasa.
18. Author interview with Inmaculada Alvarez.
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