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The Influence of the Catholic Church on Spanish Political Debates on Gender Policy (1996-2004)¹

Introduction

The Catholic Church has had a long standing tradition of influence on Spanish political debates concerning sexual and reproductive rights, such as contraception, abortion and divorce, both during the dictatorial and the democratic regimes. In the last decade the debates have also included the area of domestic violence and reconciliation of work and family life. The influence that the Catholic Church has sought to exercise on democratic political life has been targeted both at centre-right and left governments. In some cases the influence is direct and explicit, while other times it has been a more implicit threat on the policy-making of governments. For instance, despite the advances achieved with the law on divorce, the UCD (*Unión de Centro Democrático*), the political party in government during the Spanish transition to democracy (composed of conservative, demo-Christian, liberal, and social democrat groups) did not dare to mention the issue of abortion for fear of the Church's reaction. Although the UCD had to revoke in 1978 the articles of the Penal Code that prohibited the sale of contraceptives, due to the pressure of Spanish society, it did not promote any campaign to encourage the population to use them. The Church's opposition to reproductive autonomy is still strong in Spain, as revealed in the Bishops' Conference reaction against the 1990 'Condom campaign' organized by the socialist government (Gibson 1993).

In this paper I will explore how the Catholic Church has affected Spanish political debates on feminist issues such as reproductive human rights, domestic violence and reconciliation of work and family life in the period between 1996 and 2004². The argument shows that the influence has taken place both directly, through the intervention of the Church in the above mentioned debates, and indirectly, through the Church's role in the Popular Party (PP), that took office for the first time in 1996, when the Socialist Party (PSOE) lost general elections after four legislatures. From then until March 2004, the Conservative Party (PP) has been in government in Spain, ruling in the second term (2000-

¹ Special thanks to my colleagues of the European project MAGEEQ (www.mageeq.net), particularly to Maria Bustelo, Elin Peterson and Raquel Platero for their analysis of the Spanish texts on domestic violence and family policy.

² In this paper I employ the concept of 'domestic violence' and 'reconciliation of family and work life', since these are the most common expressions used in Spanish governmental documents and media during the period analysed. However, I personally prefer the terms 'gender violence', 'male violence against women', or 'sexist violence', and 'co-responsibility' or 'sharing of care work'.

2004) with absolute majority. Most Members of Parliament from the PP are Catholic and share a conservative-patriarchal discourse on women's role in society. However, it seems that the ideological convergence between the Church and the Popular Party is not equally strong in all debates analysed, as other factors such as social pressure or party philosophy may influence PP's political decisions in slight divergence with the Church.

In each of the three debates, the Church's capacity to influence policy outcomes on women's human rights will be assessed taking into account the following six factors:

1. The strength of the Church's mobilisation, that depends on the level of interest the Church has for a particular issue.
2. The colour of the party in government, united to the political will to act.
3. The activism of the opposition party/parties.
4. The power of women's movement mobilisation.
5. The ideological union between the Church and the Popular Party on a given issue.
6. The strength of 'pro-Church' civil society's mobilisation.

The different combination of these factors in each debate will help us to understand the reasons for the success or failure of the Church's impact on the definition of women's human rights in the Spanish socio-political context.

The analysis is based on sources such as literature on gender equality policy, Spanish press articles from *El País* and *El Mundo*, the 2004 Church's Directive on family issues in Spain, elaborated after the Bishops' conference in November 2003, conservative government's law and policies on the reconciliation of work and family life and domestic violence, the Popular Party's (PP) electoral programme in March 2004, the Spanish feminist movement's texts, and interventions of the theologians from the Association *Juan XXIII*, a group critical of the more traditional and repressive tendencies of the Catholic Church.

The structure of the chapter is as follows. The first section deals with the Church's influence on the debate on sexual and reproductive rights, particularly the issue of abortion. In the second section the direct and indirect impact of the Church on domestic violence is discussed, together with the position of the feminist movement on the issue. The last debate, that is analysed in section three, is on the reconciliation of family and work life. In the latter, the Church had a more indirect role, partly convergent and partly divergent with the politics of the Conservative Party PP. A final section will summarise the three debates and draw conclusions on the Church's capacity to influence the definition of women's human rights in Spain.

1. Sexual and reproductive rights: abortion and contraception

Sexual and reproductive rights are one of the issues of major interest for the Church, due to the control it allows them on people's personal and relational choices. According to the feminist theologian Margarita Pintos (2002), the first aspect to take into account when analysing the influence of the Catholic Church on Spanish policy concerning sexual and reproductive rights is the state's conspicuous funding of the Church's activities (approximately 3000 million euros each year). In her opinion, the Spanish state, thank to its financial support, has contributed to transform the Catholic Church into an economic, cultural and educational power, 'instructing and forming' people in all areas including sexuality and reproduction. Catholic associations receive most of the state funding in the field of social assistance and charity, with an investment of 155 million euros, and the area

of education, with a subvention of more than 2.520 million euros to religious orders (Pintos 2002).

Education is a crucial element of influence on sexual and reproductive behaviour, due to its effect on the indoctrination and shaping of young people's minds in line with Catholic morality. Pintos (2002) explains in numerical terms the extent of the Catholic influence on education. In Spain there are 33 440 teachers of Catholic religion (15 600 in public education and 27 840 in private education), that require the investment of 600 millions euros for each course. As mentioned, the state's funding of private Catholic education (*enseñanza concertada*) is of 600 million euros, that represents 85% of the state's contribution for all organised education. In total, there are 45 240 classrooms, 1 500 037 students, and 80 959 teachers, not including six universities owned by religious orders, 41 theological centres, 11 university colleges, 55 university schools, especially on nursing and teacher training, and 72 higher education institutes³. This context can provide an idea of the growth of the economic, cultural, and educational power of the Catholic Church in Spain, which is a starting point to consider when we analyse the influence exercised by the Church on the definition of sexual and reproductive rights.

The Secretariat for family and the defence of life is the institution within the Bishops' Conference in Spain that is in charge of making public the Bishops' Conference' positions and documents with respect to sexual and reproductive rights. The Secretariat has been particularly active on the issues of contraception and abortion. The Church only allows the so-called natural method or periodic abstinence during female fertile periods, which does not empower women to autonomously control their reproductive capacity. Anti-AIDS condom campaigns such as *Póntelo-Pónselo* ('Put it on me - put it on him') were criticised by a Church representative, Msgr. Carles, with this words: 'chastity, abstinence and faithfulness to a non contaminated partner' are the best way to avoid contagion (Pintos 2002).

The Spanish Parliament unanimously approved in 1998 a non-legislative proposal to market of the potentially abortive pill RU-486. The Spanish Episcopal Conference immediately replied with a letter to the Parliament describing the pill as a 'lethal chemical weapon', and asked the government to avoid taking any measure which could contribute to its distribution (El País 15/9/1998). The marketing of RU-486 was finally approved by the Parliament in 2001, causing the anger of the Spanish Episcopal Conference that described this non-surgical method as 'murder', 'anti-human pesticide' and a 'new threat against life' (Pintos 2002; El País 11/5/2001). In July, the Spanish bishops sent a letter to each MP (Member of Parliament), claiming that practising abortion through a pill is a crime that consists in the elimination of an innocent human life. In spite of the fact that in Spain there are approximately 18.000 involuntary pregnancies among girls under-nineteen, the spokesperson of PP for health issues reassured the Church that RU-486 would not be distributed by the public health system (El País 11/5/2001; Pintos 2002).

The position of the Church on abortion is that it is a crime committed against an innocent who has rights from the moment of conception. In Spain abortion has been legally permitted since 1985 in three cases: first, when the physical or mental health of the mother is at risk (the law does not fix a deadline for the interruption); second, in case of rape, when the latter has been denounced (the interruption of pregnancy must occur during the first 12

³ The state's support of the Church is due to the concordat with the Holy See signed in 1979, but elaborated prior to the approval of the Spanish Constitution in 1978 (Pintos 2002).

weeks); third, due to fetus deformity (during the first 22 weeks of pregnancy and after a recommendation from medical specialists). This excludes women's self-determined abortion due to a personal decision of a woman, that, according to the feminist writer and activist Lidia Falcón, was not introduced by the socialist government for fear of offending the Church. The abortion law was criticised not only by the most conservative forces such as the Church and the Popular Party PP, but also by the progressive part of the population due its restrictive character, which was attributed to the socialist fear of offending the Church and losing Catholic votes, in spite of the absolute majority that the government enjoyed at the time (Gibson 1993).

Although the law was approved in 1983, it was not effective until 1985, since it was condemned as anti-constitutional by a verdict of the Constitutional Court (responding to a formal complaint presented by the right wing party *Alianza Popular*, re-established in 1989 as *Partido Popular*). After some minor revisions to the project, the PSOE government presented the law for a second time in Parliament, and achieved its approval. However, women's access to abortion right was not easy. Catholic doctors and nurses refused to practice self-determined abortion in public hospitals, making this option unviable for poor women, due to the high costs of private hospitals. Particularly affected was the autonomous community of Navarra, where a Catholic lobby managed to interrupt the intervention abortion for two years, forcing women to move in order to have an abortion.

A number of right-wing judges had also dictated harsh and debatable sentences against doctors practicing abortions, while the socialist government received strong criticisms on the part of feminist organizations for not intervening or reforming the law by granting women the right to self-determination (Gibson 1993). According to the latest data from the Spanish Health Ministry, more than 77 000 women had an abortion in 2002, that is 10% more than the previous year (Cadena SER/Mariola Lourido 25/3/2004). Since the legalization of abortion, the Church's declarations on the latter have tended to influence the decisions of every Catholic politician and in general of every Catholic who performs a public function (doctors, nurses and judges included). The Pastoral of the bishop of Cuenca, written immediately after the legalization of abortion in Spain in 1985, is exemplary in this sense: "The general rule is clear. Catholics enjoying a public charge who promote or facilitate, and in any way legally protect abortion as an option, through laws or government acts, will not be able to escape the moral qualification of public sinners" (Bulletin of the Episcopal Council of USA 1986).

In two occasions on February and September of 1998 opposition parties from the left proposed the introduction of a fourth case of legal abortion to grant women the autonomy of choice on the interruption of their pregnancy. The PSOE proposed to depenalise abortion in case of 'serious personal, family, or social conflict' within the first 12 weeks of pregnancy, while IU (*Izquierda Unida*), NI (*Nueva Izquierda*) and BNG (*Bloque Nacionalista Galego*) asked for self-determined abortion respectively within 16 weeks for IU and 14 weeks for the other two parties. In September 1998 the Church's mobilisation to promote the political refusal of reproductive autonomy in conformity with Catholic morality was particularly strong and intruded on the decision of the political sphere (Pintos 2002). The Episcopal Conference published a document that invoked the motto of James Bond movies 'Even greater licence to kill your children' to criticize the law proposals from PSOE, IU, NI and BNG. The text was read in the homilies and prayers of many churches across Spain, while there were priests who encouraged believers to demonstrate in front of the Parliament (El País 21/9/1998).

Members of the Spanish ecclesiastical hierarchy jointly condemned the proposals for extending the abortion law. The archbishops of Madrid, Barcelona and Granada and the bishops of Malaga and Jaén promoted the text of the Episcopal Conference and asked members of Parliament to vote against what they defined as an 'unconstitutional' law. The archbishop of Madrid, Antonio María Rouco Varela, employed the harshest words when he claimed to be 'surprised that Europe's experience during the thirties and forties had been so early forgotten', alluding to the Nazi regime. The Catalan archbishop argued that this law would increase the number of abortions and oblige a great number of 'defenceless human beings' to death. Women who decided to have an abortion were attributed direct responsibility for these deaths, according to the archbishop of Malaga, by counting on the 'complicity and cooperation of the state' (El País 16/9/1998).

The Church moved quickly from words to deeds, by organizing special sessions of prayers in the main towns in which believers would light their candles so that 'God may enlighten members of parliament', particularly those to whom their parties have given freedom of vote: CiU (*Convergencia I Unió*), PNV (*Partido Nacionalista Vasco*) and *Coalición Canaria*, whose vote would be decisive for the result of the election (El País 16/9/1998). The Catholic Platform *United for Life*, that groups several anti-abortion organizations, organized demonstrations in front of the Parliament and sent letters to all MPs (Members of Parliament), asking them to vote against the law.

The freedom of vote is directly attacked by the General Secretary and spokesperson of the Episcopal Conference, Juan José Asenjo, who declared to Europa Press that, in spite of the freedom that nationalist parties grant their MPs, 'for a Catholic there is no freedom of vote as concerns such a law' as 'there is a very serious moral law in the Ten Commandments that is 'thou shall not kill' that binds every Catholic person, whatever the party of membership is' (El País 21/9/1998). The Episcopal Conference knows that the result of the election depends on the vote of members of those parties who have been left free to vote according to their consciousness. This is why Asenjo declares that the briefing of the Episcopal Conference 'seeks to enlighten the Christian conscience of those Catholics who have not clear ideas about the issue of respect of the sacred dignity of every life'. The Conservative Party PP maintained a unitary position against the law, in spite of the internal differences, and invited undecided socialist MPs to reflect on the words of the archbishops and to take into consideration public opinion's expectations on the issue (El País 14/9/1998).

The intrusion of the Church into the political debate on a greater decriminalisation of abortion provoked a reaction from the opposition parties that promoted the law, namely PSOE and IU, women's movement organizations, and religious groups of progressive theologians. The Parliament spokesperson from IU, Rosa Aguilar, denounced the pressure that the Episcopal Conference had exercised on the Parliament, arguing that this shows the anti-democratic and intolerant attitude of the Church, as the latter has not respected a proposal elaborated from the legislative power that emanates from the citizens (El País 14/9/1998). For the PSOE spokesperson and member of the Justice Commission of the Parliament, María Teresa Fernández de la Vega, the 'Church's attitude does not show solidarity with women', while for the socialist MP Cristina Alberdi the bishops' declarations are inadequate as they break the constitutional pact that gives the Church a place in the private but not in the public sphere. As she says: 'Bishops, according to the Constitution, must stay away from legislative matters. We have never seen such radical declarations' (El País 14/9/1998).

The feminist movement and progressive theologians also reacted to the Church's interference in the political debate on abortion. Feminist associations such as the Federation of Progressive Women, the Association of Women Lawyers, the Forum against violence, and the women departments of trade unions in different occasions showed their support to the legislative proposals on the modification of abortion law. They reclaimed women's reproductive autonomy and reminded people that at the UN Beijing Conference on Women the Spanish government, together with 189 other countries, had pledged to revise national laws that penalise women who decide to have an abortion. Some feminist groups explicitly denounced the 'dogmatic, intolerant and disrespectful attitude' adopted by the Church and the Episcopal Conference on the issue of abortion (El País –C. Valenciana 19/9/1998).

Criticisms of the Church's condemnatory campaign on abortion came also from progressive groups of theologians, members of the association *Juan XXIII* such as Enrique Miret Magdalena, who disapproved the authoritarian attitude of the religious hierarchy as it hinders debate within the Church on the issue (El País 21/9/1998). In their opinion, if the Church continues to refuse dealing with issues such as abortion, it will end up losing women's support. The more the Catholic hierarchy promotes a dogmatic and conservative theology, as it currently does, the more critical movements will arise against the Church, as is the case with theology of liberation, feminist and political theology.

After the intense debate generated when the law proposal of depenalising abortion in case of 'serious personal, family or social conflict' was submitted to election on 22 September 1998, it was refused by only one vote of difference. Four of the MPs from nationalist parties who in February had given a positive vote to the law proposal changed their vote into a *no*, thus tilting the balance in favour of the anti-abortion coalition led by the Popular Party (El País 23/9/1998). The Church had won its battle, using all its power to influence political outcomes. Confident of this result, it became even more blunt in attempting to affect the political decision on abortion in conformity with the official Catholic doctrine (Pintos 2002). While there were 300 open trials against doctors and women who had practiced abortion, cardinal Rouco, the president of the Spanish Episcopal Conference and Madrid's archbishop, complained about the fact that the Conservative Party did not dare to abolish the socialist abortion law of 1985 (El País 12/2/2000). Although cardinal Rouco was hoping to persuade the Popular Party (PP) in government at the time to abolish the law, PP did not consider abortion as a priority on the agenda. It did, however, allow the showing of anti-abortion videos (one of which was entitled 'The quiet scream') in religion classes of public and private schools, thus granting the Church the freedom to indoctrinate young people on the issue (El País 3/3/1999).

After four years in which the Popular Party ruled with absolute majority, thus hindering any attempt to renew the law proposal on abortion, the newly elected socialist government has announced in March 2004 its intention to reform the current law to give women the right to decide autonomously on the interruption of pregnancy within the first 12 or 14 weeks. The socialist proposal has been welcomed by feminist organizations, though it is to be expected that PSOE's 'courage' to face the likely strong opposition of the Catholic Church will be put to the test. After the first six months of government, PSOE's declarations on abortion were already more cautious. Both the Minister of Justice and the General Secretary of the PSOE have claimed that the reform of the abortion law is not a priority issue and that it will be postponed to 2006, following a social and political debate. The Leftist Party *Izquierda Unida* fears that the Church's belligerent attitude with respect to abortion, and the continuous declarations of its bishops on the assimilation of abortion to

the Nazi holocaust, could weaken the socialist government's position (El País 10/8/2004). The Church has already promised strong mobilisations against any possible socialist proposal to further legalise abortion.

In spite of the struggles of the women's movement and left parties, the Church has in the last decade won its battle on abortion (though it could not avoid the law of 1985), thanks to the support of the Popular Party in government. The extent of mobilisation on the part of women's groups and, on the opposite side, of the so called 'pro life' groups, the Socialist Party's determination to act notwithstanding the Church's will, and public opinion's position on the issue of abortion will be crucial in influencing future political decisions.

2. Domestic violence⁴

In the political debate on domestic violence the Church has had both a direct and an indirect influence, the latter being exercised through the PP and conservative members of the judicial power. Violence against women has increasingly become a hot issue in Spain in 1996-2004, due to the sadly high number of women murdered by men (around 100 each year, according to the Spanish Committee of Investigation of Violence Against Women). The media have been more involved in the issue since 1997, after the case of a woman victim of domestic violence who spoke in a TV show and was killed soon after by her husband (who set fire to her). The problem of violence against women is at the centre of an on-going discussion in the political arena, in the media, and in the feminist movement. Since 1998, each year on November 25 feminist associations assisting victims organise demonstrations against gender violence. Women's organizations argue that it is a state problem that must be regulated by public policies and call for a comprehensive law (*ley integral*) to tackle violence. The governmental answer has been the elaboration of specific laws and plans against violence, and the inclusion of a section on violence against women in the general Equality Plans issued by the national and regional Women's Institutions (the governmental institutions responsible for gender equality policies in Spain).

The Church's direct intervention in the debate has tended to give a higher priority to the indissolubility of Catholic marriage than to the defence of women's integrity and life. The Episcopal Conference has declared its opposition to the annulment of sacramental marriage for reasons of domestic violence. The spokesperson from the Spanish Episcopal Conference, Juan José Asenjo, has justified the decision of an Ecclesiastical Court that rejected annulment for domestic violence, arguing that physical or psychological abuse is not included among the causes that permit one to declare null a canonically valid marriage (El País 1/10/2002). By contrast, according to Barcelona's archbishop, mental disorders in the personality of the aggressor can be considered a cause for the annulment of marriage. The Church is *de facto* giving more relevance to psychological disorders than to the violent act of battering that is legally considered a crime.

The 2004 Church's Directive on family issues states that only 'severe' physical abuse could legitimise separation. The feminist theologian Margarita Pintos argues that even in relation to the issue of violence against women the Catholic Church clashes with

⁴ The Spanish documents on domestic violence that have been taken into account in the paper have been analysed as part of the MAGEEQ project (analysed documents are listed in the bibliography).

women's human rights. In a communication to the press, Pintos says: 'the Catholic Church must understand that when the ecclesiastical hierarchy claims that men who commit violence are sick and that marriage always requires sacrifice and difficulties, it is not only promoting a spirit of sacrifice and resignation that women victims of violence should put aside, but also indirectly encouraging a step backwards in the legal progress reached so far' (Católicas para el Derecho de Decidir 10/16/2002).

The divergence between the feminist organisations and the Church can also be found in questions of definition. In documents by the Church and the conservative government, the expression employed is 'domestic violence' or 'family violence'. This concept tends to weaken the gender dimension of violence against women, blurring the patriarchal component of violence in the more 'neutral' and less feminist concept of 'family violence', in which the roles of perpetrators and victims are not clearly defined. The result is that responsibility for violent actions appears as widespread rather than focused on a male dominated society. The definition of the problem as 'domestic violence' has an impact on the measures adopted by the conservative government to tackle the problem, which privilege individual rather than structure oriented actions. Measures are not designed for men in general to change their attitudes. Rather, they tend to be targeted at individual women (and men) rather than at the dismantling of the patriarchal structures that provoke and maintain male domination over women (Bustelo et al. 2004).

Women's organizations, governmental regional agencies such as the Basque Women's Institution, and gender experts prefer to use instead the expression 'gender violence'. For those who employ the concept of 'gender violence', the problem of inequality is attributed to the existence of a 'gender order'⁵ of hierarchical relations between the sexes which is part of the complex and interrelated phenomenon of gender. As a result of this interpretation, solutions and proposals put forward by advocates of the concept of 'gender violence' have to do with a structural change of society, that would require actions not only targeted at female victims but also at male perpetrators and society (Bustelo et al. 2004).

In spite of the women's organisations' debate on the patriarchal origins of gender violence, the Spanish Catholic Church insists in avoiding condemning domestic violence as a product of 'machismo', preferring instead to identify a whole range of causes which have more to do with women's emancipation. In the 2004 Directive on family issues elaborated after the LXXXI Bishops' conference in November 2003, the Church argues that domestic violence is a sign of the 'bitter fruits' of the sexual revolution, as the latter has led to distorted gender roles. The bishops are greatly concerned about the situation of the family in Spanish society and consider the sexual revolution the starting point of family problems such as domestic violence (Bustelo et al. 2004). When the text was made public in February 2004 politicians, women's organizations and the media criticized it, particularly the statement that domestic violence is caused by the sexual revolution.

In other bishops' declarations, divorce is considered the cause of domestic

⁵ 'Gender order' means the socially shared system of norms, principles, and policies establishing the different allocation of gender-specific rights, tasks, and life opportunities. This gendered division of roles between those who engage in paid work and those who perform unpaid work of care is part of a complex social system of precedence and subordination. One of the main norms of a gender order is the decision on who should be the primary breadwinner and who should be the primary care giver (Ostner and Lewis 1995).

violence⁶. The position of the Church, as argued by the director of the Episcopal subcommittee on family and life, is that separated and divorced couples are behind a great number of cases of violence, which would prove that divorce and separation do not solve the problem of battering. The bishops do not possess data on whether facilitating divorce could provoke an increase of domestic violence. However, they point out that most judicial sentences state that after the divorce the woman will keep both children and house and the husband ‘does not accept to be left out of the household’ (El País 23/4/2004).

Apart from the direct intervention in the debate, the Church has also an indirect influence on political decisions concerning the issue of domestic violence, through conservative members of the PP and the General Council of the Judicial Power. Both actors have on different occasions rejected the women’s movement petition of a comprehensive law on gender violence that was proposed by the Socialist Party both when being the opposition (in 2000 and 2002) and in government. The latest rejection of the comprehensive law on gender violence, presented by the socialist government in June 2004, was signed by the president of the General Council of the Judicial Power, a well known member of *Opus Dei*⁷, and other conservative members of the judicial body.

The socialist law proposal, elaborated with the support of feminist organisations, is an attempt to tackle the problem of women battered and killed by their male partners. It is based on the feminist concept of ‘gender violence’ (which is reflected also in the name of the law), that is defined as ‘that used as a means to maintain discrimination, inequality, and power relations of men on women’ (Art. 1.2). The law is thus targeted at those women who suffer violence from a man with whom they have or had an intimate relationship and in all cases in which women experience violence for the mere fact of being women. As it deals with a violence that is exercised specifically against women (in more than 90% of cases women are victims of male violence), the law introduces positive actions for women. These consist in the fact that threats and minor coercion are more strongly penalised when exercised by a man against his female partner with the intention of maintaining male power over women. The law also creates courts with a specific competence on gender violence and promotes educational and social measures to raise people’s awareness of the problem of gender violence (El País 25/6/2004).

The General Council of the Judicial Power (GCJP) rejected by one vote the socialist proposal of law against gender violence. José Luis Requero, the conservative representative of the GCJP and member of *Opus Dei* who wrote the negative report on the law, criticised, among other things, the fact that the law only regulates violence against women (rather than against men, children or other family members). He also objected that the use of positive actions to favour women is unconstitutional, rejected the proposal to create specific courts

⁶ The church fiercely opposed the first law on divorce elected by the Spanish Parliament under the Second Republic in 1932 (revoked by the Catholic Franco in 1938), and fought against the law on divorce approved by the young Spanish democracy in 1981 with the argument that it would lead to the dissolution of the family (Gibson 1993; Telo 1986).

⁷ During the pontificate of John Paul II (1978-2005) the international, theologically conservative organisation *Opus Dei* has gained a strong influence in the Roman Catholic Church. Founded in 1928 by the Spanish priest Josemaría Escrivá de Balaguer (1902-1975, speedily canonized in 2002), in the year 2000 *Opus Dei* had more than 80 000 members. About 30% of them are members, obliged to celibacy, whereas about 70% are supernumeraries and can be married. Around 1 750 members are priests. Since 1982, the organisation has been directed by a personal prelature (i.e. independent from the canonical jurisdiction of local bishops). *Opus Dei* primarily recruits well-educated persons with access to political power and socio-cultural influence, in order to promote traditional doctrinal values in Church and society (Editor’s note).

on gender violence, and opposed to the definition of 'gender violence' employed to maintain power relations of men over women (El País 24/6/2004). The Conservative Party PP approved the report and reinforced the point that the law does not equally protect men and children. Women's groups promptly mobilised against Requero's report, in an attempt to save the law, by organising demonstrations in front of the General Council of the Judicial Power and giving declarations to the press.

The president of the Committee on violence against women claimed that the report of the GCJP reveals the ideological approach of a member of *Opus Dei* who proved to be unfamiliar with the reality of battered women (Europa Press, Madrid 22/6/2004). She is in favour of adopting positive actions to compensate for the 'equality deficit' existing in Spanish society (proved, in her opinion, by the 100 women murdered every year) by invoking the legitimacy of United Nations and European Union legislation. She explains that the law does not include children and elderly people as it is a very specific project that does not deal with violence within the family but rather against women, and adds that there is already a legislation that protects these subjects. In turn, minors are protected in the sense that they will not have to face their father's visits, limiting in this way the learning of violent behaviour. Finally, she argues that the creation of specific courts on gender violence is needed as it is important to see 'who will apply the law', as this will require a change of mentality that is more likely to occur in courts that can count on experts in gender violence.

It was not the first time that the women's movement had to react to the gender biased intervention of the conservative side of the General Council of the Judicial Power. In 2002, the Spanish women's movement wrote an 'Answer to the Report presented by the General Council of the Judicial Power on the issue of Domestic Violence', accusing the measures proposed in the report to minimize violence and its impact on women victims and their children (Bustelo et al. 2004). The women's movement argues that the GCJP's report contains a man-centred view of private life that reveals unawareness of these measures' affect on women victims. The movement condemns the report for classifying violence against women as a minor crime, thus granting it a certain legitimacy. This is also reflected in the fact that, according to the women's movement, perpetrators' rights are considered as a priority in the report, whereas the children's and victim's wellbeing are taken for granted without assessing the current legal and material resources to assist them (Bustelo et al. 2004). The women's document points out that the report does not revise a number of bad legal practices concerning violence, such as the fact that restriction orders are limited by certain conditions (e.g. women must denounce first), sentences against perpetrators are excessively light, and petitions for restriction orders are often ignored. This gives male perpetrators a sense of impunity and generates female victims' mistrust in legal assistance. Finally, the women's movement criticises that, according to the current law, women victims are held responsible for ending men's violence through their denouncements, as if they shared responsibility for violence.

The controversy between progressive forces in the lay and Catholic civil society and the most conservative and patriarchal sector of the institutional Church on the legal and social definition of male violence against women continues to monopolise Spanish public debate. Women's non governmental organisations are particularly active in the monitoring of institutional work on violence, as women's lives are literally at stake. The Church, through its direct and indirect action (through the most conservative and gender biased sectors within the General Council of the Judicial Power and the Popular Party) does not show changes in its positions towards a higher consideration of women's integrity and well

being. The Parliament's unanimous approval (7/10/2004) of the socialist proposal of a 'Comprehensive Law against Gender Violence' (*Ley integral contra la violencia de género*) could be considered a positive turn in the protection of women's human rights, particularly because the law has incorporated some of the concerns of the women's movement. The first law approved by the newly elected socialist government will be, according to the Spanish President Zapatero, a 'powerful instrument to defeat criminal sexism' (El País 8/10/2004). Nonetheless, the effectiveness of the new legal measure in tackling the problem of male violence against women must be assessed in the long run.

3. Reconciliation of work and family life⁸

The issue of the reconciliation of work and family life is part of a more general group of measures named 'family policies'. The post-authoritarian Spanish state from 1975 to 1995 has dedicated very few resources to family policy, both when it was ruled by right-wing (*Unión de Centro Democrático*, UCD, in government from 1977 to 1982) and left-wing political parties (*Partido Socialista Obrero Español*, in government from 1982 to 1995). This can be explained with the democratic government's rejection of pro-natalist and anti-feminist family measures established during Franco's regime (1936-1975), whose aims were to increase the population and to keep women at home and away from the labour market (Valiente 1996). The Socialist Party has preferred to promote equality policies and to ignore family policy, that, according to PSOE feminists is an area that tends to be conservative as it indirectly focuses on women's tasks within the family. The UCD and the *Partido Popular* have both been careful to avoid issues and symbols that could be associated with the authoritarian past, which explains the little relevance given to family policies beyond public rhetoric (Valiente 1996).

In this context, the type of impact that the Church could have on the issue of reconciliation of family and work life is different from the case of abortion and domestic violence, as other factors have played a relevant role in influencing political decisions, such as the will to reject symbols of the authoritarian regime and the slightly divergent goals of the Popular Party. The Church's idea of the Christian family, as expressed in documents and public discourses, the latest of which is the 2004 Directive on family issues in Spain, is that traditional gender roles are the foundation for an appropriate relation between women and men (the Directive complains about the fact that in contemporary society gender roles have been confused). The ideal of a family union is the heterosexual marriage in which the couple is always prepared to have children (the main goal of a family union being procreation), otherwise it should refrain from sexual intercourse (Bustelo et al. 2004). Woman's role should be that of a 'wife subordinate to her husband, and a mother who sacrifices for her children' (Scanlon 1990: 85).

Apart from its direct influence on families through public documents and Catholic education (see section 1.), the Church has had a certain indirect impact on political decisions through the policy-making of the Popular Party. However, although the family model proposed by the Popular Party is similar to the patriarchal and traditional ideal

⁸ The Spanish conservative government's plans and laws on the reconciliation between work and family life that have been considered in the chapter have been analysed as part of the MAGEEQ project (see bibliography for a list of selected documents).

diffused by the Church, the PP has also promoted policies that encourage the incorporation of women in the labour market. The Popular Party's programmes defend the family unit granting it a social and ethical mission, but since 1982 start referring to the promotion of women's employment through the creation of childcare services. The PP believed that these measures would not have negative effects on family union, but rather considered it a 'pragmatic and realistic politics' that answered women's demands of the time, but also enabled them to maintain their 'feminine nature' and their 'traditional and moral values' (Ruiz Jimenez 1999). Stronger policy references against women's discrimination in the labour market on the part of the PP start in 1986. Meanwhile, the family model proposed by the Conservative Party continues to be that of a traditional Catholic married heterosexual couple with children. The key to understanding how the apparently incompatible areas of family and work can combine easily with the ideology of traditional family and female employment is the role of women.

The legislation on the reconciliation of family and work life issued by the Spanish conservative government since 1996 seems to reflect the Church's promotion of women's gender-specific role in order to preserve the traditional family. However, the government also seeks full employment and no discrimination of women at work. However, this role is also combined with the goals of full employment and non discrimination of women at work. The result of this combination of goals, that emerges from the analysed legislation on family policy, is the elaboration of a normative image of women as mothers and workers (in this order) who need to be supported and encouraged to be able to reconcile work and family life (Bustelo et al. 2004). Since the Church had preferred less emphasis on women's role in the labour market, its influence on the Conservative Party was not wholly successful. This could be due to changes in Spanish society with respect to the issue of women's access and participation in the labour market, and the party's market-oriented ideology itself. For these reasons, we could add the possible impact of the European political context on the agenda of Spanish political parties, as Spain entered the European Community in 1986, the same year in which PP increased its discourse against women's discrimination in the labour market. The combination of these factors forced the Popular Party to include the issue of reconciliation in the political agenda if it did not wish to lose power and voters (Ruiz Jimenez 1999).

In order to understand better the type of measures introduced, and the extent to which they reflect the Church's influence, we must consider the Popular Party's policies on reconciliation of family and work life since 1996, year in which it was elected in government. The Law 39/1999, on the promotion of the workers' reconciliation of family and work life (known as 'reconciliation law'), is one of the most relevant legal measures approved by the conservative government on the issue. Although the law pretends to implement the European Union Directives 96/34/EC on parental leave and 92/85/EEC on maternity protection in the labour market, it actually transposes the minimal content of the Directives, not interpreting their intention, i.e. the promotion of equal sharing of family and work responsibilities between the sexes. Criticisms of the law have been addressed by opposition parties (PSOE and IU), trade unions, and women's organisations. These actors consider that the law tends to define reconciliation as an issue of which women only are responsible. The more explicit example of this tendency is the fact that only working mothers have an individual right to take the 16 weeks parental leave. Fathers can only access paternity leave if, in the case where both parents are employed, the mother agrees to pass ten of the last weeks of leave to the father (if the mother is not employed, the working

father has no right to paternal leave whatsoever). Women's and Trade Union's organisations consider that an individual right to paternity leave is 'essential to promote a change of mentality with respect to the equal sharing of family responsibilities' (Brunel 2003).

In an interview given soon after the approval of the reconciliation law, the former Director of the *Instituto Andaluz de la Mujer* (1989-2000) and socialist MP Carmen Olmedo argued that the law could have negative implications for women, as it will make it even more difficult for women to find a job⁹. In fact, employers are already worried about hiring women as they are unwilling to pay them maternity leave. This law adds new types of leave, in order to take care of the elderly and/or sick relatives. As women have always been the ones taking such leave, because there is no cultural habit for men to do so, they will probably end up taking all the categories of leave. This will discourage employers even more from hiring women, as they will be given further reasons to be concerned about the money they must spend on leave if they hire a woman. The effects of the reconciliation law elaborated by the conservative government could, thus, converge with the Church's promotion of a greater role for women within the family rather than in the labour market.

In January 2003, the Spanish conservative government introduced a new tax measure through the law 46/2002 (the so called '100 Euro law') which gives working mothers the possibility to apply for a subsidy of 100 Euro per month for each child under three years of age. This governmental measure forms part of a wider programme of actions that aim to facilitate the reconciliation of work and family life and to reduce the fall in birth rates in Spain. The law has been criticized for being neither non-contributory, i.e. supporting those with lower income, nor universal, i.e. related to citizens' human rights. At least two kinds of restrictions can be identified in this law. First, the law only addresses mothers, taking for granted the role of women as mothers and caretakers. Second, several groups of women are excluded from benefits, such as unemployed women, women in the informal sector and housewives (Bustelo et al. 2003).

In both the reconciliation and the '100 Euros' laws the Spanish conservative government has chosen to maintain the traditional 'gender order' that assigns women the main responsibility for family care, not promoting changes in the gender roles necessary to favour an equal sharing of family care responsibilities between women and men. We could conclude that, in spite of the combination of goals of 'female work' and 'traditional family', the PP has still promoted the Church's concept of woman as wife and mother first, who must work 'double day' within and outside the household to satisfy both the Church and the market requirements.

The emphasis on the 'working mother' is still present in the 2004 Electoral Programme of the Popular Party. The main goals stated in the sections on family and equality are the increase in birth-rate policies, women's participation in the labour market and full employment. The family is defined as the fundamental institution for care and women are described as 'mothers a priori' and universal carers. This means that reconciliation of work and family life is an issue that concerns women and working mothers in particular. This perpetuates a traditional model of family that reflects the Church's doctrine on the role of women, but which tries to be sufficiently modern as to include the idea of employed women. As the PP programme clearly states: 'we want mothers to develop their professional careers and have as many children as they want. To

⁹ Interview with Carmen Olmedo Checa, PSOE MP, 30/5/2000 (Lombardo 2004).

make the family and work responsibilities compatible is a possible and desirable goal in Spain'. In sum, women entering the labour market are the problem group and they must be helped to reconcile work and family life: reconciliation is not a problem for working men (Bustelo et al. 2004).

The alliance between the Church and the PP on the role of women as the only problem-holders having to reconcile family and work, however, is contrasted not only by the feminist movement and Trade Unions, but also by other political parties. At the time when the conservative government was ruling in Spain, opposition parties have intervened in several parliamentary debates with proposals for promoting a sharing of family care responsibilities between men and women and discharging the woman from being the only bearer of the task of care. One of the most recent cases is a 2003 parliamentary debate in which the Socialist Party presented a law proposal for extending women and men's rights in the area of the reconciliation of work and family, and the Catalan Nationalist Party proposed an individual right to paternity leave. In another 2003 parliamentary debate, the reconciliation law 39/1999 is discussed after the Socialists' proposal to investigate the effects of the law. However, since the Popular Party had absolute majority in Parliament, both law proposals were rejected soon after the debate in spite of the fact that all the other parties had voted in favour.

Rather than accepting the changed role of women and men in contemporary society, the Church continues to insist on the female 'mission' within the family, as the former Cardinal Ratzinger's letter to the Catholic bishops on the collaboration of men and women in the Church and in the world (2004) has shown. This document of the Congregation for the Doctrine of Faith explicitly demands governments to reconcile legislation and labour organisation with the needs of 'women's mission within the family', highlighting her 'maternal vocation' and the importance to value the work of housewives (El País 31/7/2004). This sort of reconciliation contradicts the concept proposed by more progressive political parties and feminist movements, which require men and women's common involvement in care and family responsibilities. The official Spanish reaction to Ratzinger's letter came from the socialist General Secretary for Equality Policies, Soledad Murillo, who claimed that the Vatican seeks to persuade governments to create conditions of inequality (El País 31/7/2004).

In conclusion, the alliance between the Church and the Popular Party on the issue of the reconciliation of work and family has been a relative success due to a series of factors. One of them is the quasi absence of family policy due to the will to avoid symbols of the authoritarian regime (Valiente 1996). Another is the Conservative Party's combination of the goals of full employment and non discrimination of women at work, the latter of which does not fit with the Church's idea of women's traditional role (Ruiz Jimenez 1999). There exist several ways to explain the PP's behaviour: changes in Spanish society in favour of women's access and participation in the labour market, the effective increase of women's presence in employment, the party's market-oriented ideology, and the impact of the European political context on the agenda of Spanish political parties. The combination of the two goals that is translated in the conservative government's legislation since 1996, however, proposes a model of woman as first mother and then worker who is the only subject who must work 'double' or even 'triple days' in order to reconcile family and work responsibilities. This interpretation ultimately supports the Church's defence of women's primary role within the family.

Conclusions

In this paper I have argued that the Catholic Church has had an influence on the political debates on sexual and reproductive rights, domestic violence and reconciliation of work and family life in Spain during the years 1996-2004. The three debates analysed are evidence of the Church's efforts to preserve the gender-specific definition of women's rights in Spain according to a conservative conception of gender roles in which the woman is subordinate to the man, her primary role is to be a good wife and mother, and she has no right to autonomously control her sexual and reproductive life. Although it is not possible to claim that there is a direct link between the Church's mobilisation and its impact on the political outcomes, the influence appears tangible in all debates. It can be both direct and mediated through the Popular Party or other institutional and social conservative forces. Its success in influencing political decisions varies depending on the different combination of factors playing in favour or against it. These factors are the strength of the Church's mobilisation, that depends in turn on the Church's interest for a particular issue, the colour of the party in government, the activism of the opposition party/parties, the power of women's movement mobilisation, the ideological union between the Church and the Popular Party on a given issue, and the strength of 'pro-Church' civil society's mobilisation.

The success of the Church in influencing the debate on abortion could be explained with a favourable combination of four different factors. Firstly, the Church's opposition to abortion was strong and so was its active mobilisation against it. Secondly, the Popular Party in government at the time totally supported the Church's position. Thirdly, there were wide mobilisations of the co called 'pro-life' groups supporting anti-abortion policies. Finally, it can be hypothesised that abortion is still a controversial issue in Spanish society and its penalisation continues to have some support from large Catholic sectors. All these factors played against the socialist and left political parties' proposals in favour of self-determined abortion, which were supported by the women's movement.

In comparison with the issue of abortion, the Church's impact on that of domestic violence was less successful, in spite of both the direct and indirect influence it has exercised through the PP and conservative members of the General Council of the Judicial Power. In the case of domestic violence, the factors which played a relevant role in the advance of women's human rights through the recent approval of a 'Comprehensive Law against Gender Violence' were the colour and political will of the Socialist Party in government since March 2004 to put this legislation through, and the strength of women's mobilisations to stop violence. The issue for the Church was not as 'hot' as abortion, and there were no Catholic mobilisations against the socialist comprehensive law on violence. Moreover, the Popular Party in the opposition finally accepted to vote in favour of the law, following the socialist government's acceptance of a number of PP's amendments. The fact that domestic violence has become a public issue that is daily present in the media (though often in a sensationalistic way) has captured public opinion's consensus in favour of the law.

In the case of the debate on the reconciliation of family and work life, the alliance between the Church and the Popular Party in government has been a partial success for the Church. The legislation on family and work life issued by the Spanish conservative government reflects in part the Church's defence of the traditional role of women within the

family. However, the latter was also combined with the goals of full employment and non discrimination of women at work. Other factors apart from the Catholic influence played a role in influencing PP's political decisions on reconciliation: the increase of women's participation in the labour market, a changed Spanish society more open to women's presence in employment, the Popular Party's market-oriented ideology, and the influence of the European political context. The opposition parties from the left have criticised the PP's reconciliation policy for not promoting the sharing of care responsibilities between women and men, but have not succeeded in changing legislation accordingly. In spite of the apparently minimal effort of the Church in influencing political decisions on reconciliation, and notwithstanding of the partially divergent goals of the Popular Party on the matter, the result of policies is still perpetuating a traditional gender order in which women are the only bearers of the burden of care.

The picture that emerges from the analysis of the three debates on sexual and reproductive rights, domestic violence, and reconciliation of work and family life is a complex one. This is due to the variety of actors both from the Catholic hierarchy and the base who seek to influence political decisions concerning women's human rights in different ways according to their diverse agendas and ideologies. Although the Church's influence on the definition of women's human rights is strong, its capacity to affect political decisions is usually the result of political battles and negotiations among different institutional and civil society actors. In this context, opportunities offered by the colour of the party in government play an essential role either in facilitating or in hindering the Church's impact on gender equality policies. Other factors that can tilt the balance against or in favour of the Church are the determination on the part of the opposition party in putting an issue on the agenda, the strength of women's movement mobilisation, and pressure from Spanish civil society.

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