

The Authority of the Catholic Church on Abortion Legislation

The Catholic Church's influence on the Abortion Law in Spain through Political Party influence  
and its competition with the rising Feminist Movement

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## Abstract

MAGGY BOONE: The Authority of the Catholic Church on Abortion Legislation:  
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and its competition with the rising Feminist Movement  
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The politics of abortion in Spain is a complicated case due to the fact that abortion legislation is not solely restricted to the political sphere. Since the sixth century, the Catholic Church has had an influential role within the state of Spain and the creation of most policies. After the authoritarian regime of Franco in the mid-twentieth century, the Catholic Church began to, for the first time; attempt to truly separate itself from the government. However, due to the Catholic values that had been part of the political system for an extensive time period within the country, the conservative parties have continued to raise issues on the liberalization of abortion legislation, and specifically, the right to life at the moment of conception. Although the Catholic Church as an institution has continued to remove itself from political debates, the conservative party relentlessly pushes Catholic ideals onto the Spanish public. Over the course of the past few decades, the leftist parties in Spain have worked closely with rising women's organizations and institutions to promote women's rights within the country, fighting for liberal abortion laws against the conservative opposition. As the abortion law liberalized to its maximum extent in history in 2010, the question that remains for Spanish citizens today is how far the newly elected and conservative Popular Party will be able to extend their Catholic ideals onto the public, and if it will cost Spain the revocation of the abortion legislation passed only over a year ago.

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## Introduction

Within the course of the past year, the Popular Party (Partido Popular) has been re-elected in Spain after an eight year hiatus from having the majority rule in Parliament, and therefore, the greatest control over decision and policy making within the country. Various members of the Popular Party have already spoken out to the Spanish public within the past months stating that one of the “top priorities” within the next few years will be to revoke the liberal abortion law that was passed in 2010 under Zapatero. As many of the conservative party members currently in office are staunchly Catholic and use their religion as a basis for not only their moral decisions, but also their political decisions that could affect an entire nation- it is important to understand how the Spanish state came to the point where Catholic traditions can actually be implemented into politics.

In this thesis, the role and influence of the Catholic Church in Spain will be analyzed in terms of how it has negatively affected the implementation and protection of women’s sexual and reproductive rights over the course of history until the 1985 abortion law was passed. Afterwards, although Spain is an officially secular country with a constitution that legally separates the church and state, it will be revealed to what extent the Catholic Church has still been able to control the policies that it deems most important, either directly or indirectly through the morals and values of the Catholic religion and its influence on politicians.

In order to fully understand the current situation in Spain, a brief history of the involvement of the Catholic Church in politics and legislation specifically regarding abortion

will be provided for the benefit of comprehending how, in the new millennium, Catholicism (either as an institution or as a religion) still has a substantial influence on this policy. In addition, the specific views of the Catholic Church regarding the rights to sexual and reproductive health for women will be provided in order to accurately portray how the church feels about these issues, and why they take such a definitive stance.

After the end of the Franco regime, an analysis of the political party alignment and their action taken leading up to the 1985 liberalization of the abortion law will be offered. The influence of the Catholic Church within the debates regarding the 1985 abortion law in addition to new influences from liberal feminist organizations will also be investigated considering their role in the passage of the new law. This will reveal how exactly the law was formed and why an even more liberal change to the abortion legislation did not occur during this time period. Subsequently, the political party involvement and influences of the Catholic Church and strengthening feminist organizations will also be analyzed in regards to the 2010 legislation that legalized abortion in Spain. The developments and changes of the political party positions in addition to the changing role of the Catholic Church and increasing power of feminist organizations will serve as a background in understanding the current situation of the abortion law in Spain, which has the possibility of changing over the course of the next few years. The situation of the newly elected and conservative Popular Party will be discussed in terms of its potential effects on this specific legislation. To determine whether or not the Catholic viewpoints of the conservative party will be able to change the newly liberalized abortion law within the country, it must be considered to what extent the Catholic religion may still have a place in politics.

### A Brief History: The Catholic Church in Spain

The Catholic Church in Spain has an exceptionally long history- from the sixth century; it has specifically been not only strongly connected to the Spanish state, but also a foundation of the culture and politics of the state and citizens. The “Real Patronato” signed during this time period officially named the Catholic Church as the sole Church of Spain and its peoples (Madden, 1932), making the connection to the Church in addition to its acceptance (in all realms of public and private life) a simply acknowledged fact.

Moving forward a few centuries to investigate the relations between the church and the state in a more recent timeframe, the 1812 constitution created and ratified in Spain placed restrictions on the powers of the church’s involvement in the social and individual atmospheres, and no official document restricting the role of the church had ever existed prior to this (Madden, 1932). However, as the “Real Patronato” was still considered valid even after the 1812 constitution (naming the Catholic Church as the sole church of Spain and its citizens), the Holy See quickly became aware of the slightly weakening role of the church in the country, and over the course of the following decades took action to re-secure their power in Spain. A few decades later, with a direct line of communication between the Pope and the heads of state in Spain, a Concordat was signed in 1851 by Pope Pius IX and Queen Isabel II reinforcing the role and influence of the church within the country (Madden, 1932). According to this Concordat, which included 46 articles describing in detail what the relationship should be concerning the Catholic Church and the state of Spain, one of the main points that is stressed in the opening article is that “The Catholic religion with all its rights and prerogatives according to the law of God and the

sacred canons is recognized as the official and only religion of the Spain nation and forever to be conserved” (Madden, 1932). The new Concordat, which included various points on the specific role of the Church in Spain, for example controlling all education- public and private- was valid from when it was signed in 1851 until 1931 (Madden, 1932). Consequently, the Spanish government followed the very religiously conservative points of this Concordat for a full 80 years, bringing the church and state closer and more deeply intertwined than they had been prior to the Concordat.

Despite the great efforts to fully unite the church and state over the course of these 80 years, an attempt to liberalize and secularize Spain once again transpired in 1931. In this year, another constitution was created, giving the state supremacy over the church, family, and education (Madden, 1932). However positively this separation could have affected the citizens of Spain in offering more religious flexibility, more individual privacy, and different policies that would not have been influenced by the catholic institution- the authoritarian leadership of Franco and subsequent civil war deferred any such advancements. During the Franco regime, which will be discussed somewhat in brevity in order to highlight the church-state relationship changes in Spain, the Catholic Church was once again regarded as the “sole church of the country and its citizens” and was returned much of the power it had lost under the most recent constitution (Heubel, 1977).

The Catholic Church under the Franco regime, and specifically during the beginning years, had a pivotal role in the Spanish Civil War from the years 1936-1939. While Franco desired that the Catholic Church be an official part of his government and support his military rebels, some clergy and other members of the church did not completely agree with this newfound relationship. Directly before Franco came to power, the Catholic Church and its



leadership had come into complete conflict with the majority of the Spanish public. Due to this, when Franco's military rebels began to revolt against the citizens of Spain, many clergy supported them (Heubel, 1977). The extremist members of the Republican side (not the military rebels at this time period) had begun to burn down churches and convents and attack significant members of the clergy in order to show their vehement opposition to the involvement of the Catholic Church in state matters. Within the first year of the Civil War, 6,832 (estimated) clergy and members of the Catholic Church, grouped as the "spiritual order", had been assassinated by the opposition group, called the "Marxists and Communists" (those who did not support Franco) (Heubel, 1977:127). Within the small group of Catholic Church clergy that did not support Franco or his military rebels, assassinations also occurred, supposedly by the Franco forces as punishment for the refusal to conform. Any Church members that openly and fervidly opposed the new regime were immediately excommunicated, exiled, imprisoned, or executed (Heubel, 1977). Overall, during the time of Franco's regime, a large rift was created within the hierarchy of the Catholic Church that caused it to divide into two groups: those who supported Franco's regime and were in danger of backlash from the Spanish citizens against the regime, and those who opposed Franco's regime, supported the citizens of Spain, and lived in danger of exile or death. This rift created within the Catholic Church would play an important role after the fall of Franco's regime, as the Church as an institution would no longer be accepted and no longer desired to take such an influential role in matters of the state.

As Franco had a difficult time receiving international support from other regimes and organizations in Europe or elsewhere internationally, the Vatican proved to be a solitary and strong support system for his regime, as long as they were compensated by an increase in power and influence in Spain. To appease the Vatican, within seven years, from 1938-1945, Franco

created 38 different laws, orders, and decrees to refurbish the role of the Catholic Church in Spain (Heubel, 1977). In addition, within the next five years (1945-1950) an additional eleven laws of the same type were passed, three of which were “special agreements” between the Franco regime and the Holy See (Heubel, 1977). By 1953, Franco had created a new Concordat, going beyond exclusively returning some of the lost powers to the church, stating within it a new decree incredibly similar to the Concordat from an entire century prior- “The Roman, Apostolic, Catholic Religion continues being the sole religion of the Spanish Nation and will enjoy the rights and prerogatives that correspond with Divine Law and Canon Law” (Heubel, 1977:130).

While Franco remained in power, the members of the Catholic Church that were in favor of the regime continued to work with the state and political leaders very closely, continuously gaining more powers and receiving more responsibilities over social and political tasks. Due to the disintegration of the regime in its late years and the incredible rift within the Catholic institution that the regime had caused, the Catholic elites involved in politics began to split, creating a diverse group of Catholic leaders that no longer shared the same opinion. After Franco’s death in 1975, the power of the state was handed over to the Spanish King. Various political and religious changes began to take place immediately, as the king signaled his support for a transition to a democratic regime. By 1978, yet another Spanish constitution was drafted, and this constitution promoted values of democracy, human rights, and secularism. Within the constitution it is noted that there is a “guarantee (to) democratic coexistence within the Constitution and the laws, in accordance with a fair economic and social order...” in addition to an order to “Protect all Spaniards and peoples in the exercise of human rights” (Spanish Constitution, 1978: Preamble).

Since 1978, the government of Spain has been readjusting after many years of close religious ties to create a secular and democratic state. Now that Spain is officially a secular state, the government and political parties still face the obstacle of managing a country and creating policies based on the majority public opinion and need. The long and variable relationship between the Catholic Church and the Spanish government has yielded a continuance of interaction on the state level, which is not surprising considering the relatively recent shift towards democracy and official secularism. Very recently and within the 21<sup>st</sup> century, policies have begun to liberalize in order more fully benefit the citizens of Spain, but not without consequence- the Catholic Church remains influential enough to make sure that laws are passed or possibly even revoked.

As can be determined from the historical interaction between the Church and State in Spain, the Catholic Church still has much of the power concerned with passing liberal laws concerning the sexual and reproductive health of its citizens, especially when abortion is concerned. To further understand the exact reasons why the church is vehemently against any of the sexual and reproductive laws that grant rights to citizens (although mostly to women), it is fundamental to investigate the entrenched perspectives of the Catholic Church on such matters.

#### The Official Viewpoints of the Catholic Church on Sexual and Reproductive Care

Across the international community, Catholic ideals and perspectives are fundamentally the same. Although there is a great difference between an individual practicing Catholicism- who's own personal morals, values, and views are shaped not only by the church but also by his or hers surroundings and culture- and the "strict" Catholic individual that follows the exact morals, values, and views expressed by the Holy See- governments and politicians receive their

support and influence directly from the Vatican. For this reason, the influence that governments receive in relation to their policies comes from the protected and sacred views of the most conservative Catholic community, which accounts for how in Spain the sexual and reproductive policies have not liberalized as they have in other Catholic Western countries, such as France.

Within the Catholic community, the ideals and morals are promoted by the Pope, who is the infallible source of the religion. As the Pope, according to Catholicism, receives his authority, mission, and divine knowledge directly from God, his word is not contested within the international Catholic community (Neale, 1998). Throughout the past few decades, the Popes have personally made statements and written letters in opposition to any sort of liberalization of sexual or reproductive health laws on an international scale. In addition to disagreement with specific countries liberalizing their laws, various Popes (alongside the Holy See) have spoken out against international human rights conferences, specifically noting that use and knowledge of contraceptives in addition to abortion are inherently against the acceptable behavior endorsed by the Catholic Church (Neale, 1998).

For anyone who is not familiar with the Catholic religion or belief system, it may seem curious as to why it is so important to the Pope personally and to the Vatican to oppose any liberal sexual or reproductive health reforms. Catholicism, as an old and traditional religion, has always had a part in the life and idea of the “family”. As Catholic leaders continue to attempt to preserve catholic ideas and values internationally, their ideas about family- for example, the traditional perspective on marriage and the role of a woman- are underscored in today’s society.

To understand what exactly the “accepted” Catholic belief is on the subject of sexual and reproductive laws, and more specifically, on abortion, one can always reference the catechism.

The catechism of the Catholic Church is a summary of the principles of the church, as Catholicism differs generally from Christianity in various ways (Neale, 1998). Within the catechism of the Catholic Church, the accepted perspective concerning abortion is as such:

“What is stressed to each and every communication on behalf of the Church and papal pronouncement is that, from the moment of conception, the embryo must be treated as a person and must be defended, cared for and healed, analogous to any other human being. Furthermore, this “inalienable right to life” must be recognized and respected by civil society, as well as by political authorities” (Catechism of the Catholic Church 1994:475)

As noted in the passage, the inalienable right to life (starting at conception) needs to be recognized and respected by political authorities according to the Catholic doctrine, and because of this, policies in Spain have an especially difficult time liberalizing due to the powerful influence of the Church within various political parties and elite groups. In a country where the separation of the church and state are legally defined but not actually practiced to the full extent, viewpoints such as this one from the catechism are still able to prevent policies on abortion from liberalizing, or in the current situation of Spain, it could be enough to revoke one.

In addition to the viewpoints of the Catholic Church expressed officially through documents such as the catechism, within recent years numerous Popes have spoken out against liberalizing abortion policies and access to contraceptives (which would be beneficial in preventing the unwanted pregnancies leading to abortions). Specifically, in 1968, Pope Paul VI made a statement regarding any and all forms of contraception, whether it be to prevent pregnancy or to terminate one, saying

“Contraception, often referred to as artificial contraception, refers to those methods- such as sterilization, intrauterine devices, condoms, the pill, and abortion- that are utilized with the specific intent of regulating and/or interrupting the generative process. Contraception has been, and still is, vehemently condemned by the Church magisterium” (Neale, 1998:150).

As mentioned, because the Pope is the infallible source of the Catholic Church, Pope Paul VI's statement about the use of contraceptives was a reiteration of the church's viewpoints, with the purpose of affirming that the Catholic standpoint has not changed within this century and therefore new practices and laws will not be supported by the "official" Catholic community.

More recently than Pope Paul VI's statement, a different Pope in addition to the Holy See had a major and very public conflict with the International Conference on Population and Development in 1994. Within the conference, a program of action was created that specifically addressed and promoted the rights of women across the globe. The program of action included (among a myriad of other points) working towards the ability of a woman to plan her own family with the help and knowledge of contraceptives and access to them, in addition to working towards more liberal abortion laws (Neale, 1998). Before the conference was held, the Pope at the time- Pope John Paul II- sent letters to each head of state from the attending countries (and 179 countries would be represented in this conference) attempting to dissuade their participation by describing the international conference and its program of action as "working towards the obsolescence of marriage" (Neale, 1998:153). In addition to the letter that was sent, Pope John Paul II made various public statements about the international conference and program of action, saying that they were "a plot to destroy the family", "the snare of the devil", and "a culture of death" (Neale, 1998:154).

As the Pope was drawing a great deal of attention to the Catholic Church and its conservative viewpoints during this time period, John Paul II was not the only voice of the Catholic community speaking out publicly against the international conference. In addition to the Pope, the Holy See as a diplomatic relation made statements against the conference in order to reaffirm that it was not only the individual (and although individual, infallible) viewpoints of

the Pope but also the viewpoints of Catholicism as a whole to oppose of everything the program of action stood for. The goal of the program of action at this conference was to “slow population growth, reduce poverty, improve economic progress and environmental protection, and reduce unsustainable consumption and production” (Neale, 1998:154); and the Holy See summarized its reservations against the above noted program of action as follows: “those that involve a loss of control over the female body, as well as those initiatives that are ambiguous regarding family, marriage, and sexuality” (Neale, 1998:155).

The viewpoints of the Catholic Church regarding reproductive policies and specifically abortion policies have had a particular affect on legislation in Spain. Because the country has a strongly connected political history with the Church in addition to a continued influence today through political parties and conservative politicians, the abortion policy has had to overcome many obstacles in order to liberalize. Currently, the law that exists and that was passed in 2010 continues to receive backlash from the Church and political leaders who believe the Catholic doctrine should be continually portrayed in the existing policies. In order to fully explore the effect of the Catholic Church on the abortion policies in Spain, the current abortion laws and how they were achieved must be explored.

### The Development of the Abortion Legislation in Spain

The case of the abortion law in Spain is fairly interesting as it has changed marginally over the course of the past few decades, and very recently it liberalized radically. Dating back to medieval times in Spain, abortion was an act that was criminalized and heavily punished. In 1822, abortion was officially punishable under law by imprisonment, and it remained that way for many decades. The criminalization of abortion was lifted within the 20<sup>th</sup> century, directly

before Franco came to power, but abortion was again criminalized under Franco's regime in 1941 (Valiente, 2001). Due to the backlash of leftist or center right party members, the complete criminalization of abortion was lifted in 1944, but the illegal status of the act was still in place to the extent that doctors accused of performing an abortion could be incarcerated for any amount of time between 6 months and 6 years (Valiente, 2001). During the remainder of Franco's regime, women's rights were ignored, including sexual and reproductive rights, and abortion remained a health service practically unattainable within the country. After Franco's regime ended and Spain began democratizing and liberalizing various pieces of legislation, the restrictive abortion law had a repercussion that heavily affected the next decade. Between the years 1974-1985, 240,000 women (Cambronero-Saiz, Cantero, and Vives-Cases 2007: 86) left Spain for the United Kingdom and The Netherlands to obtain legal abortions. This number is a low estimate of what the actual number of women obtaining abortions in foreign countries was, as many cases were not documented due to the illegality of the situation. (Cambronero-Saiz, Cantero, and Vives-Cases, 2007).

Within these years, the new democratic constitution was being written after the fall of Franco in 1977 and 1978, and the two main political parties- the PSOE (Spanish Socialist Party) and the AP (Popular Alliance) - were in complete opposition over how abortion should be addressed within the newly democratized nation. The PSOE, a leftist party, was in support of the decriminalization of abortion, but the AP was completely against any liberal legislation on abortion, and even against decriminalizing it (Valiente, 2001). The only political party in support of the complete legalization of abortion during this time period was the communist party in Spain, which drafted bills for the legalization of the legislation in 1978, 1980, and 1981, all of which were rejected by the majority in the Parliament (Blofield, 2006). Because the Spanish



Socialist Party did not want to take an extreme stance on the abortion issue at this time in order to promote their own chances of being elected, they did not support the communist party with these abortion bills. In the end, to solve (or, better said, to avoid solving) the abortion legislation issue between the socialist and conservative parties, they agreed to completely leave out any new legislation on abortion for the time being and save it for a later date, as it was not an issue that was important enough to take the time to be decided within the two year time period of when the constitution was being written (Valiente, 2001).

After the new constitution was written and the socialist party began to have a majority influence within the Spanish policy making system, debates were able to arise about the decriminalization of abortion. The most influential debate leading up to what is commonly known as the “1985 abortion law” in Spain began two years prior, within an instigation from the Spanish Socialist Party (Valiente, 2001). Although the party was split between members that wanted a complete liberalization of the existing legislation and those that desired a limited reform, the majority of the Socialist Party was in agreement over the fact that decriminalizing abortion would help Spain’s policies to mirror those of its more progressive Western European neighbors in addition to making its policies more democratic (Valiente, 2001). However, the Popular Alliance was against any reform, even a limited reform, on the existing restrictive abortion legislation. The reasoning behind their opposition came directly from the Catholic Catechism- *“from the moment of conception, the embryo must be treated as a person and must be defended”*- life begins at the moment of conception and its rights must be protected.

In 1985, after the debate between the two major parties within the Spanish government, the abortion law was able to be slightly amended due to the Socialist majority and the smaller leftist parties siding with it- instead of being completely illegal, abortion was at this time allowed

in cases of rape up to twelve weeks, for fetal malformation until twenty-two weeks, and for psychological or physical threats to the mother at any time during pregnancy (which allowed for a somewhat liberal interpretation of the law). At this point, the conservative Popular Alliance party was worn out through the various attempts to liberalize the legislation, and because they were not able to mobilize an opposition effectively, they had to eventually accept the new legislation. Various Popular Alliance members even voted positively for the passage of the new abortion law (Blofield, 2006). After the acceptance of the new law, although it was an improvement from the previous one in providing women access to health care, problems still existed as it was not as liberal as the abortion laws in neighboring countries. In addition, the legislation was incredibly vague as to how the law was to be implanted, and how clinics or doctors were to go about offering these abortions. Because of this, the second abortion debate occurred in 1985 and 1986 over detailing how the newly liberalized law was to be put into effect (Valiente, 2001).

During the second debate, which occurred in order to work out the details of the new abortion law- how it could be accessed, where it could be accessed, and what was required for gynecological offices at the time concerning this matter- the Socialist Party was again successful in adding numerous reforms that would (in theory) provide women with an easier access to safe abortions (Valiente, 2001). However, because the law was only limitedly reformed, and due to the fact that the reforms were not strongly enacted throughout the country, even with the new and more liberal abortion legislation women were finding it difficult to access the necessary means for the procedure within Spain. These restrictions and difficulties of access to safe procedures caused another 35,895 women to leave Spain between the years of 1986-1995 (Cambroner-Saiz, Cantero, and Vives-Cases 2007: 86) in order to receive abortions elsewhere.

Again, this number is a low estimate of the amount of women that truly left to receive an abortion outside of Spain. (Cambroner-Saiz, Cantero, and Vives-Cases, 2007). In addition, because of the restrictions on the abortion law, 98 percent of women who did receive abortions in Spain during this time period were able to receive one because of a “psychological risk to the mother”, which has been documented as “abusing” the abortion law (as many of these women used this excuse because it was the surest way to receive an abortion within the country) (Cambroner-Saiz, Cantero, and Vives-Cases, 2007).

The large amount of women leaving the country or obtaining abortions because of “psychological reasons” during this time period without causing an amendment to the abortion law to be enacted can be explained by the conflict between the conservative and liberal parties within the Spanish Senate. After the passage of the 1985 abortion law, the Spanish Socialist Party controlled the majority in the Parliament until the year 1996. Although the party continued to be pressured by various women’s institutions to further liberalize the abortion law and make it completely legal, the socialist party held off on fighting for any further changes to the law at the time being. First of all, the socialist party was concerned about becoming too liberal with the abortion law and losing support from some of its more conservative members. Second, the women’s institutions involved could only influence the party’s actions to a certain extent. Without a real representation of women whose presence could significantly influence the decisions of the Parliament, further liberalization remained in the hands of men who could not fully sympathize with the issue (Cambroner-Saiz, Cantero, and Vives-Cases 2007). The lack of a strong leftist stance within the Spanish Parliament within this decade coupled with the fact that the conservative Popular Alliance won majority from 1996 until 2004, after the first liberalization of the abortion law was passed, a second liberalization was hard to come by. Due

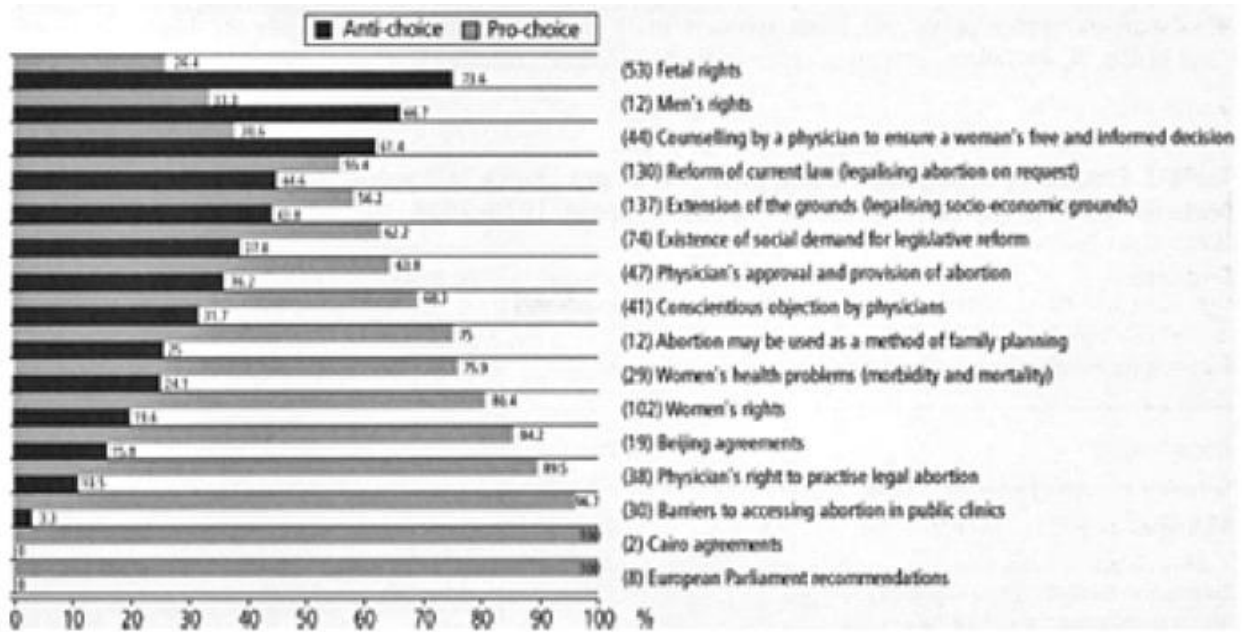
to the fact that the Women's Institute<sup>1</sup> and other feminist organizations worked strongly with the left party and not the right, during this next decade, women's issues had little importance and resonance within the Parliament. Any initiatives brought to the Parliament's attention during the time of the Popular Alliance's majority were quickly disregarded, as the party members were significantly more conservative and completely pro-life.

Between the years 1979 and 2004, through the change from the socialist majority to the conservative majority, there were 229 initiatives about abortion proposed within the Senate, and only 7 of those (including the reform in 1985) were considered and approved (Cambroner-Saiz, Cantero, and Vives-Cases, 2007:88). The reasonable difference between the number of initiatives that were proposed and the number of initiatives that were taken into consideration directly relates to the distinct differentiation between the viewpoints of the liberal and conservative parties. As the conservative members of the Senate were largely "Anti-Choice", the liberal members were largely "Pro-Choice". To specifically consider the differences between these two groups, a graph of the most important issues concerning abortion for both anti and pro-choice members reveals the source of the conflict.

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<sup>1</sup>The Women's Institute was founded in 1983 as a bureaucratic organization with the responsibilities of bringing attention to and creating or amending policies concerning women's equality and women's rights (Valiente, 2001).

Figure 1: Anti-Choice vs. Pro-choice political groups in abortion debates in the Spanish Parliament, 1979-2004



(Figure 1, Cambronero-Saiz, Cantero, and Vives-Cases, 2007:91)

As can be seen from this graph, between the conservative “anti-choice” Alliance Party and the liberal “pro-choice” Socialist Party, the main difference on the issue of abortion is whose rights are most important in being protected. For the conservative group, the main rights that are of concern on the abortion issue are fetal rights and men’s rights. To the liberal group, the most important issues concerning the abortion law are the European Parliament recommendations, the Cairo agreements, and in sixth place, women’s rights.

In the year 2004, a significant change in Spanish politics occurred. This year, Zapatero won the election as Prime Minister for the leftist Spanish Socialist Party, again creating a majority in the government of more leftist politicians. Zapatero’s terms as Prime Minister following the 2004 and 2008 elections (when he again won over the Popular Party, which was renamed from the Popular Alliance as the main conservative party and competition for office)

are seen as a “second transition to democracy” which enabled various liberal reforms to be met within the country (Field, 2011). Specifically, Spain’s developing democracy was lagging in the area of women’s equality, and Zapatero made a great effort to overcome and repair this setback. Achieving various new goals, including women’s rights, would enable Spain to move from a “simple” democracy to a more complicated and sophisticated democratic system (Field, 2011). In addition, Zapatero made a significant change within the political system which would eventually account for the legalization of abortion in Spain. Unlike previous Prime Ministers, Zapatero made an unmatched effort to not only include women within his government, but to also make sure that the positions that women held within the government were influential and were able to have an actual impact on policy making. Within the Spanish Socialist Party during this time period, because of Zapatero’s effort, 25 percent of legislative, municipal, and European-level political spheres were filled with women (Moreno, 2008:440). This significant increase of women in political positions and their roles being more prominent than before would result in the creation and acceptance of various new gender equality laws, including the legalization of abortion.

During his presidency, Zapatero passed various gender equality laws, including one in 2006 to allow for the complete equality between men and women in all spheres of life, encompassing access to goods and services (Field, 2011). After being elected for a second term, despite the severe rifts between the Spanish Socialist Party and the conservative Popular Party, Zapatero was able to completely reform the abortion law in 2010, making it equally liberal to the legislation of Central and Northern European Countries (legal on demand until 14 weeks of pregnancy) (Field, 2011).

## Role of Women's and Feminist Organizations on the Abortion Legislation in Spain

Over the course of the decades when the issue on abortion was first introduced to politics and further amended within the country, women's right organizations and attention brought to the issue by feminist groups played a significant role in the liberalizations of the legislation changes. Although under Franco the regime was anything but "women friendly", various organizations of women promoted by the regime acted as stages for how women would be able to mobilize themselves during the democratic years in order to have their voices heard. One such organization under Franco was a group called "Catholic Action", which consisted of women who promoted and reinforced the traditional "Catholic" role of women within the family. Founded and developed within the 40's and 50's, by the late 60's the group began to split, as modern ideals were seeping into the Spanish public and Franco's regime became more outwardly and strongly opposed (Pereira, 2007). By 1965, the Women's Democratic Movement was mobilized and had strong ties to the communist party in addition to other leftist parties within Spain, allowing for women to begin creating the tension necessary within the male dominated political system for their opinions to begin to be taken into full account (Pereira, 2007).

The Women's Democratic Movement, although small and only moderately influential when compared to other movements that were not gendered in Spain, became the "most important women's organization" by the 1970's (Pereira, 2007). As other feminist and women's rights organizations began to emerge throughout the country, the WDM worked as the strongest voice of Spanish women during this time period. However, in the 1970's, the WDM focused on raising awareness for such issues as equal treatment and violence against women instead of focusing mainly on abortion. At this time, shortly after the fall of Franco's regime, women were

still widely split on the abortion issue, as “liberal feminists” desired a decriminalization and “radical feminists” desired complete legality of on demand abortion (Pereira, 2007).

Over the course of the decade, the Women’s Democratic Movement became more involved with the abortion issue within the country. Noting the health impacts of women that needed abortions but could not gain access to them, including death from clandestine abortions, in addition to the incarceration of women and men who either obtained or performed abortions, in 1977 the WDM made a plea to the Social Security System in Spain to decriminalize and offer abortions and access to birth control (Pereira, 2007). Due to the fact that the Spanish government was not responding at this time with any serious debates over changing the incredibly restrictive abortion legislation, the WDM in addition to other feminist groups began to take matters into their own hands, chartering planes from Spain to London in order to help women receive the procedures that they needed and drawing national and international attention to the issue at hand (Pereira, 2007).

As the women’s movements progressed further within the late 70’s and early 80’s, they began to completely dominate the media with “pro-choice” propaganda. Various different organizations and groups during this time period created petitions and press releases, protested in the streets, and held talks, meetings, and workshops (Pereira, 2007). In addition, the WDM along with others continued to pressure the leftist parties (most significantly the Spanish Socialist Party) into bringing up the abortion debate and discussing it in order to change the legislation. Feminist and women’s organization grabbed the attention of the public eye by publicizing the horrors of deaths caused by clandestine abortions and forcing the public to view these women as victims instead of criminals (Blofield, 2006). The amount of clandestine abortions that occurred each year in Spain, between 300,000 and 500,000, also helped convince

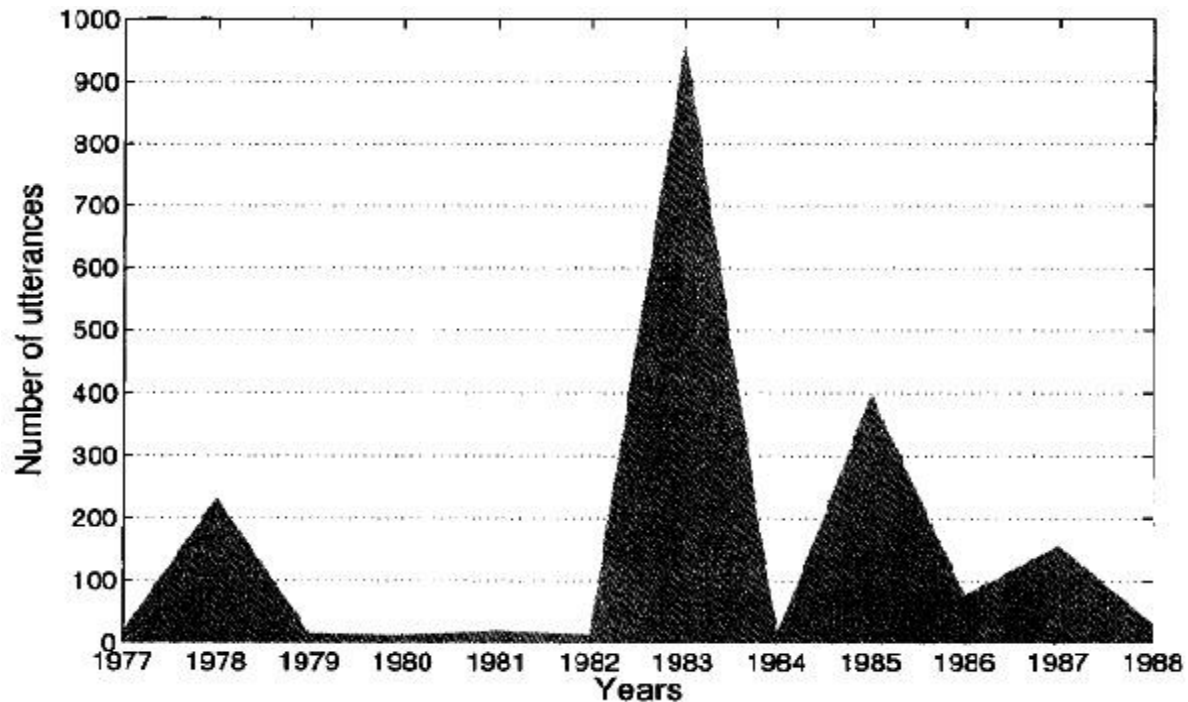


citizens that the issue was a true public health problem, and not an issue that could simply be ignored any longer (Blofield, 2006). In addition, the attention given to the trial of 11 women accused of having illegal abortions in Bilbao in 1979 acted as a catalyst that enraged the public of the unfair and unjust treatment the Spanish government was imposing upon its women citizens (Blofield, 2006). By the 1980s, the abortion issue very prominent due to the actions taken by women's organizations and the support of the Spanish Socialist Party in as far as decriminalizing abortion (at this time only the extreme Leftist Parties, such as the Communist Party, supported legalizing abortion on demand) (Blofield, 2006).

Finally, a state-level women's organization came into existence in Spain in 1983, when a predominantly influential debate on abortion was beginning within the Spanish Parliament, but lack of funding and organization prevented it from influencing this debate to any great extent. The other women's organizations had created the necessity of dealing with the abortion debate in politics with help from the Spanish Socialist Party, but previous to the Women's Institute a truly significant state bureaucracy supporting the interests of women did not exist. The Women's Institute was founded as a bureaucratic agency (instead of having a political appointment) located in the Ministry of Culture (one of the lowest funded and least significant Ministries of the Spanish government) (Valiente, 2001). In comparison to its European neighbors, the Women's Institution was a fairly weak and unorganized women's rights group, however, within the following years it was able to mobilize quickly in order to take part in the influence over the changes in the abortion legislation. After the first debate from 1983-1985, in 1986 The Women's Institute in Spain worked as closely as possible with the Socialist Party in order to gain whatever influence possible within the second debate. The influence of the different women's organizations coupled with the efforts of the leftist parties in Parliament can be portrayed

through this graph, which demonstrates how often the socialist party was successful in bringing about abortion as a debate within the political sphere.

Figure 2: Life-cycle of the abortion issue in the Spanish Parliament (1977-1988)



(Figure 2, Pereira, 2007:140)

Within this second debate, the Women’s Institute played a more significant role in influencing the recommendations on how safe abortions were to be accessed and carried out. The Women’s Institute made an impressive effort to gender the debate, bringing up more language pertaining to women’s rights and women’s health care. The Institute sent various reports on safe and easy access to abortions to the Ministry of Health, resulting in the acceptance of new amendments to the abortion legislation that would make the entire process easier for Spanish women (Valiente, 2001).

Between the years of when the first liberalization of the abortion law occurred in 1985 and the complete legalization of the legislation in 2010, women's organizations in Spain were able to mobilize even further in order to convince the Spanish public and the politicians that legalization was a necessary next step to increase the quality of public health (and specifically women's health) to a greater extent. After Spain joined the European Economic Community in 1986, it became subject to the European-level recommendations and influence of women's equality and rights. By the year 1993, the Spanish Association to support the European Women's Lobby was founded, which many high-profile and even smaller feminist groups joined and supported (Valiente, 2006). Less than a decade later, the Spanish-founded Women's Institute was able to promote its cause and necessity and convince the government of its vital importance within the country, and began to receive a considerable surplus of annual funding. In 2000, the annual budget of the Women's Institute was 3.4 billion pesetas (Valiente, 2006). With this significant increase in budget in addition to the European-level influence of the women's equality and rights organizations, women's organizations in Spain were able to connect and influence the leftist parties (and especially the Spanish Socialist Parties) even more than they had been able to in the past. Leading up to the 2004 elections, women's organizations made their desires so clear for the Spanish Socialist Party that the new government placed women's equality legislation, and soon after, abortion legislation at the top of their priorities.

### Role of the Catholic Church on the Abortion Legislation in Spain

During the Franco Regime, the pronounced influence of the Catholic Church and its direct ties to the Spanish government made any sort of liberalization of legislation impossible, especially legislation concerning women's rights. Directly after the fall of Franco, the Catholic Church emerged as the utmost powerful social institution in Spain, as it was highly involved in

the political and social spheres of all citizens lives (Blofield, 2006). However, as the Franco regime was viewed negatively by the majority of the population, the Catholic Church within Spain decided by 1975 to separate itself from the state in order to avoid any power struggles (Blofield, 2006). In addition, concerning the abortion issue, the Catholic Church endorsed the conservative party (at this time, the Popular Alliance) but refused to directly mobilize any sort of opposition that would truly hinder the efforts of the leftist parties and the women's movements. Instead, all of the opposition to the pro-choice movement came indirectly from the Catholic Church- instead of coming from the institution itself, the influence came from conservative political party members that used Catholic viewpoints as a basis to oppose legislation liberalization.

Within the time period leading up to the first significant abortion debate in 1983, a religious movement was founded, not by the Catholic Church in Spain, but by the conservative Catholics in politics. The Opus Dei movement (a very old organization, founded in 1928) was a Franco-sympathetic anti-communist movement that was able to gain support from religious infrastructures without directly involving the official institution of the Catholic Church in Spain (Blofield, 2006). The Opus Dei mobilization presented information concerning the Catholic Doctrine for its argument against abortion law liberalization, using an indirect measure from the Catholic Church and religion to continue to be involved in politics.

In addition, although the church hierarchy did not officially engage in any anti-abortion debates or movements, besides the conservative politicians using the Catholic Doctrine to combat the liberal movements, individual members of the Catholic hierarchy also took part in the opposition group. Cardinal Tarancón spoke out in 1979 against decriminalization of the abortion law in Spain, and although he was not supported by the Catholic Church itself, he continued to

help mobilize the indirectly Catholic anti-abortion groups that existed. Combined with individual members within the hierarchy of the Catholic Church in Spain speaking out against the liberal abortion movement, the Vatican, and specifically Pope John Paul II, supported the conservative parties and Opus Dei movement within the country. In 1983, at the beginning of the first large debate about abortion, Pope John Paul II made an amendment to the Canon Law of the Catholic Church noting that “abortion as a practice would result in automatic ex communication from the Church” (Blofield, 2006:87).

Overall, concerning the 1985 decriminalization of the abortion law in Spain, the Catholic Church as an institution within the country was hardly involved with any significant opposition movements, and as an institution, did not support the Opus Dei movement or the conservative politicians wishing to hinder the liberalization of the law. In contrast, it was the indirect influence of the Catholic Church of Spain that was the most active in avoiding the decriminalization of the abortion legislation. Catholic party members and individuals from the Catholic Church combined with pressure from the Vatican were able to create a weak opposition movement that, without support from the institution in Spain, were not able to fully block the liberalization of the abortion law that Spain so desperately needed.

After the liberalization of the abortion law in 1985, the Catholic Church in Spain began to take an indirect role in women’s equality and rights policies within the country. Since the progression from an authoritarian state to a democracy, the Church began to separate itself more and more from the issues of the state (Valiente, 2006). Over the course of the next few decades and before the legalization of the abortion law in 2010, the Catholic Church did not have any direct influence and did not take any direct or progressive action in opposition to the liberal women’s movements. However, the Church continued to have an influence in an indirect way

through politicians and the conservative political parties. Conservative politicians from the Popular Alliance and later the Popular Party (renamed from the Popular Alliance) in Spain began using the Catholic *religion* instead of the Catholic *Church* itself as a basis for their anti-abortion stance. Although the church and state had been officially separated within the democratic constitution in 1978, the residual impact of the religious influence did not disappear within politics, and today in Spain it still has a very strong authority over the conservative party members and their policy goals.

#### Current Situation of the Abortion Law in Spain: The Popular Party in 2012

The new abortion law in Spain is much more liberal than any previously existing law in the country on abortion, and because of this, it is currently (only a full year after being passed) in danger of being revoked. At the end of the year in 2011, the Popular Party (Partido Popular) in Spain won the elections. The Popular Party is a conservative political party, having much of its support come from the Catholic Church in Spain, and its leaders, including Mariano Rajoy, fully support Catholic morals and ideals within the political system. Before even being elected into office, Rajoy made public statements about his personal stance and the general stance of the political party on the issue of abortion in Spain. He has said that he wants to “change it, return to the previous regulation [referencing the law from 1985]” (Hoffman, 2011:1) in addition to changes various other liberal legislations concerning sexual and reproductive health.

Now that the Popular Party has been in office for a few months, news coverage is ample on the growing concern of the Spanish public, the leftist political parties, and of women’s organizations that the newly elected politicians will truly make an effort to rebuke the abortion law of 2010. The new and current justice minister, Alberto Ruiz Gallardón, has made various

public statements about the desire of the conservative party members to revoke numerous liberal legislations introduced under Zapatero, including the abortion law. In February of 2012, Gallardón announced through a radio interview that the Popular Party would make an intense effort to change the current abortion legislation to “mirror the 1985 abortion law” in Spain (Cala, 2012). In addition, Gallardón has been quoted noting that women in Spain only seek abortion due to “structural gender violence” and because they do not have enough support from the Spanish state to become mothers (Govan, 2012:1). Gallardón has noted that "We [Spanish politicians] cannot be indifferent to the situation of many women who see their right to be mothers violated because of the pressure placed on them by certain structures around them" (Govan, 2012:1).

Mariano Rajoy’s conservative government has promised to make an effort to, at the very least, attempt to revoke certain clauses of the most recent abortion law- namely, the clause allowing 16 and 17 year olds to receive abortions without parental consent- and at a maximum, annul the legalization (Govan, 2012). In response to the numerous statements by Rajoy, Gallardón, and other prominent members of the Popular Party, women’s rights and equality organizations and the Spanish Socialist Party are concerned and speaking out about how these amendments will be combated. Consuelo Abril of COMPI, a women’s organization, has stated about the revocation of the abortion law that "If a woman can be coerced into having an abortion she can also be forced to have the child against her will – by conservative families which pressurise against abortion” (Govan,2012:1). In addition, sociology professor Fermin Bouza (in support of the Spanish Socialist Party) has noted that “This is the most radical version of the PP, complete revisionism. We are all surprised it started out so strong-handed, taking into the

account the economic problem...this is not going to be productive. They are sacrificing the centrist vote that brought them to power for the extreme right” (Cala, 2012:1).

The historically strong women’s rights organization and movements in Spain should prove to be effective in rallying the public’s support against the retraction of the most recent abortion law from Zapatero’s government. The women’s movement was strong enough to have an effect of the abortion debate and legislation in 1985 to being the process of liberalization, and over two decades later, the increasing amount of support for women’s equality and rights can only mean that their influence over policies, especially that of abortion, has increased as well. In addition, the strong connection the women’s movement with the Spanish Socialist Party will ensure that within the Parliament a support for the right to choice on the abortion issue, and the opposition of any attempts at a conservative reform concerning the 2010 legislation. However, the fact that the Popular Party feels empowered to the extent of threatening the Spanish public of the revocation of the abortion law is enough to create a stir within many pro-choice groups. Over the course of the next few years while the Popular Party is in office, it is in the interest of the majority of Spanish citizens that an opposition the conservative party’s reform is strong enough to prevent any unwanted and detrimental changes.

### Conclusion

Although direct influence of the Catholic Church as an institution within the state of Spain has an enormous and significant history, the Church has, since Spain’s transition to democracy, attempted to separate itself more and more from politics in order to avoid a conflict of power or interest, and avoid another clash as occurred during Franco’s regime. The authority of the Catholic Church directly influenced any laws on abortion being created within Spain



before the 1985 law was passed, as the Church always had supremacy and considerable weight upon the policies that were accepted. After the fall of Franco's regime and the Church's separation from the state, the leftist parties of Spain, coupled with the momentum achieved by the feminist movement, were able to liberalize the abortion law to allow it in specific cases (rape, threat to the mothers health, fetal malformation) which would have been impossible if the Catholic Church had actively opposed it.

After this liberalization in 1985, the Catholic Church continued to downsize its role in politics over the course of the following decades. While Catholic lay organizations headed by conservative citizens and political members made a continued attempt to avoid further liberalization of the abortion law, strong feminist movements connected to the leftist parties gained public support that eventually led to legalization. When the socialist party gained majority in the Spanish Parliament in 2004, the Prime Minister, with support from the growing number of women's rights activists, was able to legalize abortion in 2010 shortly before the end of his second term.

What is happening now within the politics of Spain and its conservative manner that from 1985-2010 prevented another liberalization on the abortion law and now in 2012 is threatening the revocation of the abortion law is the *indirect* influence of the Catholic Church that is represented in the conservative party members. As the Catholic Church has backed away from vehemently opposing leftist parties and supporting the conservatives, conservative politicians have taken it upon themselves to attempt to force their individual religious and moral opinions upon the public of Spain. Specifically, Mariano Rajoy's newly elected government, including Alberto Gallardón, is attempting to use their Catholic-based opinions of "right to life at the moment of conception" as a foundation to encourage other religious citizens to support the

anti-liberal amendments that they desire to bring in to effect regarding various pieces of legislation, including the abortion law.

The Catholic Church and Spain have already officially separated as two different institutions, so the Church can have no real influence over politics within the country unless the conservative politicians chose to allow it to do so. At this point in time, the Popular Party in Spain will hopefully not be able to (despite their threats) use reasons of “religious morals and values” as a basis for reform on the 2010 abortion law that could return it to the restrictive setting of the 1985 legislation. As the church itself has backed away from political matters, especially regarding women’s rights issues, the conservative party is left to prevent further indirect Catholic-inspired influence from shaping legislation within the country. Spain has made great progress in terms of women’s rights within the past decade, and specifically within the past few years, and it is now vital to maintain and advance this progress instead of hindering it.

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