

Re-Interpreting Spanish Feminism: Strength  
and Influence in the Campaign for Abortion Reform

by

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## Introduction

Despite the limited abortion reform law introduced by the socialist party, Spanish feminists, predominantly through their impact on public opinion, were able to secure de-facto abortion on demand at private clinics. The dominant scholarship for the past two decades has categorized the Spanish feminist movement as weak. Duran and Gallego, the two scholars who have led the classification of Spanish feminism, interpreted it as weak and in fact dead as a mass movement by the 1980's.<sup>1</sup> This research forces a re-examination of the Spanish feminist movement. My argument offers a different understanding of feminism in Spain. When viewed within the frame of abortion, it becomes clear that evaluating the feminist movement as weak because it was not united and was unable to achieve certain goals such as legalized abortion on demand is an overly simplified interpretation of Spanish politics. I focus instead on the innovative structure of the feminist movement which allowed the feminists to adapt to changing situations in society. I also examine the shifting trend in police raids on private clinics to illustrate the evolving implementation of the abortion reform law. This research demonstrates that although the Spanish feminist movement did not succeed in securing a more progressive abortion law on paper, it did achieve a near-legalization of abortion in practice. The manner in which the movement's strength is assessed, therefore, needs to be re-evaluated.

Since its formal beginning in 1975, the feminist movement in Spain has been a factious organization. However, the different facets of the movement have been able

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<sup>1</sup> Maria Angeles Duran and Maria Teresa Gallego, "The Women's Movement in Spain and the New Spanish Democracy," in The New Women's Movement, ed. Drude Dahlerup (London: Sage, 1986), 212.

to simultaneously work on the same projects while diverging in their tactical approaches. This type of collaboration occurred intentionally among activist feminists within the Movimiento Feminista Español (MFE- Spanish Feminist Movement) in 1979 as the movement adapted in order to survive and flourish. Likewise, a similar, yet not deliberate, collaboration between activist feminists and state feminists in the 1980's bolstered the efforts of the entire movement. I use the MFE to represent the activist feminists; state feminists were part of the larger feminist movement in Spain through their work in the Instituto de la Mujer (IM- Women's Institute), which is the institutionalized feminist agency in the Spanish government.

Typically, activist and state feminists deviate in their ideological approaches to feminism as well as their tactical approaches to achieving their goals. This difference was likewise true in the Spanish case. Feminists in the MFE tended toward grass-roots organizing and political protests while state feminists in the Instituto de la Mujer focused on legislative changes and policy implementation.

The MFE and the IM did not aim to work together. There was no real attempt at a coalition or alliance. There was little overlap in membership. When the IM did offer minimal collaboration, the MFE was, understandably, highly skeptical. Thus, the two segments of Spanish feminism remained definitively divided.

However, both the activist feminists and state feminists pursued abortion politics as their main priority during the 1980's. Each fought separately for the same issue in their own distinctive manner during the same period of time.

My conceptualization of the Spanish feminist movement demonstrates how the movement survived and succeeded. However, previous scholars have categorized

the Spanish feminist movement as a weak movement. My counter-analysis stems from the recognition of the strength of the MFE's various factions when it diffused in 1979 and how effective the combined feminist movement became when activist and state feminists were fighting for the same goals. In order to illustrate this strength, I have used abortion as the frame of my argument, one of the most important issues for Spanish feminists.

Though the Spanish feminist movement has been labeled a weak movement, it was able to secure de-facto abortion on demand for many women in Spain despite the restrictive abortion reform law that was passed in 1985. The law decriminalized only therapeutic, eugenic, and ethical abortions. However, today, as a result of the looser interpretations being employed at private clinics, the therapeutic abortion has come to represent de-facto abortion on demand. Abortion shows the success of Spanish feminism.

We can measure this success by tracing the decline in raids at private clinics. Initially, abortion clinics faced a contentious environment. Under court orders, the police tapped their phone lines and monitored their activity whenever there was the slightest suspicion that a clinic was employing an interpretation of the law that went beyond the three indications. Once the police were able to gather any evidence, or they received a tip-off from a citizen or, as was most likely the case, from a member of an anti-choice group, they conducted a raid on the clinic. During a raid, police seized medical histories and arrested waiting patients, clinic workers, and doctors. In some cases the clinics were even sealed off.

The work of Spanish feminists on affecting a change in public opinion produced a decline in the raids. By 1996, the incidence of major and minor raids had drastically decreased. Yet, at the same time, the practice of clinics implementing their own interpretation of the abortion law had not. Thus, since 1985 many clinics have been practicing abortions according to their own interpretations of the Abortion Act; however, only since 1996 have they not been faced with the constant threat of police intervention.

Despite the restrictive abortion reform law, activist and state feminists were able to secure de-facto abortion on demand through their unintentional collaborative efforts. The success of the feminist movement on the issue of abortion demonstrates the strength of the movement, which is in stark contrast to scholars' traditional interpretation of the movement.

I have employed a multi-method approach in my research on this topic. The first two prongs of my research were conducted in Madrid, Spain in the spring of 2007. I practiced participant observation at Clínica Dator, one of the most prominent clinics in Madrid and, in fact, the first legal clinic founded there. I conducted interviews with the professionals in the office and accompanied a woman through the entire process up until her abortion. At Dator, I interviewed a social worker, a psychiatrist, a nurse who performs ultrasounds, an internist, and the founder/director.

Secondly, while in Madrid I conducted interviews with scholars who focus on the abortion law and Spanish feminist movement as well as with activists from the MFE.<sup>2</sup>

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<sup>2</sup> With the exception of Celia Valiente's, all the interviews were performed in Spanish; however, they will appear with translations in the text.

Since I am studying police raids on abortion clinics, which have not yet been researched, the third prong of my research was a content analysis of *El País*, one of the leading newspaper publications in Spain. I began in 1985 and surveyed articles until 2006, searching for raids and arrests. I gathered information on any type of police interference, categorizing for the number and position of people arrested, as well as noting the salience of the intervention in the news at the time. With this information, I illustrate that over time police raids decrease in number and intensity.

Finally, the fourth prong of my research was a survey of relevant secondary literature. In my research, I mostly concentrated on social movement theory, state feminist theory, and feminist movement scholars.

Over the next four chapters I will argue that the decrease in police raids and simultaneous change in attitude toward police activity was a result of the combined efforts of both activist and state feminists. Moreover, that they were both influencing each other and the public's opinion on abortion and clinic activity through their work.

Feminism came later to Spain than other Western European countries due to the dictatorship. Spain's history has had an important impact on the development of feminism, the abortion debate, and the attitude people have toward actors in the government. In Chapter One I examine the interruption on the path toward women's liberation during General Francisco Franco's dictatorship in order to contextualize the rest of my research. I focus on the enormous limitations placed on women's lives during his regime and, specifically, the evolving role of the Church in that process. I end the chapter by briefly outlining the political steps leading up to the first general elections during the transition to democracy.



Chapter Two begins with the story of the conception of the MFE, which has its roots right at the death of Franco and the cusp of the transition. In this chapter, I introduce my own periodization of the movement, which breaks from the traditional structure set forth by Duran and Gallego. I break the movement down into four periods: a homogenous movement (1975-1979), a period of diffusion (1979), a period of a unified cause, different tactics (1979-1982), and a period of unintended activist and state collaboration (1983-present day).

In 1983 the socialist party introduced their abortion reform bill in the Parliament. Chapter Three analyzes the process of decriminalizing abortion in Spain.

Lastly, Chapter Four is an analysis of police raids on abortion clinics since 1986 as well as a discussion of changing Spanish attitudes toward clinic activity. In this chapter I entertain possible explanations for these shifting trends and present my own argument about the interplay of activist and state feminists.

## Chapter One: Historical Context

In Spain, the experience of nearly forty years of a dictatorship that strictly enforced state control of women's bodies and independence shaped the timing of the feminist movement's emergence as well as its structure, internal schisms, and relationship with the government. In this chapter, I will discuss the two periods of General Francisco Franco's regime with a focus on his shifting relationship with the Catholic Church and his stance on the position of women within Spanish society.

### Franco's Regime

From 1936-1939, a civil war between the Republicans and the Nationalists consumed Spain. Despite its obvious devastation, the war also allowed Republican women a chance to organize and campaign for their own aims. During this period, the first women's organizations broke off of political groups. The Mujeres Libres, an anarchist group, broke ranks with the rest of their political association when they became disgruntled with the manner in which women were treated.<sup>3</sup> Then, in November of 1936 Federica Montseny, an anarchist, was elected as the first woman minister. She legalized abortion for the first time almost immediately after her appointment.<sup>4</sup>

Unfortunately, all of their accomplishments were belligerently stripped away on April 1, 1939 when the Nationalists, who had been steadily gaining control of the war since 1937, seized power.<sup>5</sup> After Nationalist forces captured the last of the

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<sup>3</sup> Charles J. Esdaile, Spain in the Liberal Age: From Constitution to Civil War, 1808-1939 (London: Blackwell Publishers, 2000), 353.

<sup>4</sup> *Ibid.*, 354.

<sup>5</sup> Charles J. Esdaile, Spain in the Liberal Age: From Constitution to Civil War, 1808-1939 (London: Blackwell Publishers, 2000), 384.

Republican territories, General Francisco Franco, who had survived to be the sole leader of the Nationalists, assumed control of Spain. He established a repressive dictatorship that would endure for the rest of his life. His dictatorship is typically divided into two distinct historical periods: the first Francoism, from the late 1930's through the late 1950's-early 1960's, and the second Francoism, from the early 1960's until his death at the end of 1975.<sup>6</sup>

During the first Francoism, Catholicism was strictly linked to the dictatorship. It was the official religion of Spain, which allowed the Catholic Church extraordinary power and control.<sup>7</sup> Perhaps the area in which the Catholic Church exerted the most influence was education. Except for the universities, which remained under state control, the Church was in charge of the majority of primary and secondary schools.<sup>8</sup> Authority in this arena allowed the Church to assert Catholic influence in people's lives starting at a very young age. Thus, education was restructured to conform to the religious practices of the Church which allowed moral values to be instilled in children through lessons at school.

The Catholic Church's special relationship with Franco during the first half of his reign also aided the government's legal subjugation of women. Moral codes and values were utilized as a driving force in the lawful repression of women's rights during the entirety of Franco's regime. This was especially the case in the first Francosim when the Catholic Church was at the height of its influence.

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<sup>6</sup> Celia Valiente, "Spanish Gender Equality Policy: At the vanguard of Europe?" (2006), 3, [the author granted permission to cite this work on 3 March 2008].

<sup>7</sup> Ibid., 4.

<sup>8</sup> Ibid.

Again, primary and secondary schools were one of the prime locations for norms to be instilled in the Spanish population. The school system served as an excellent location to influence the positioning of women's status in society, for "Sex segregated schools were the norm, and boys and girls not only attended different schools but also had different curricula".<sup>9</sup> Through the segregated school system, the Catholic Church was able to indoctrinate girls with ideas about their ultimate feminine destiny of becoming good wives and mothers to their dominant husbands and sons.<sup>10</sup> This view of women as solely wives and mothers was the cornerstone of Franco's position on women's rights during his dictatorship; the Catholic Church thus assisted him by teaching girls that those were their only options.

When Franco came to power in 1939, he established numerous sexist policies that inhibited women's roles in Spanish society. The freedoms they had been accruing during the Civil War were stripped away and replaced with prohibitions and domestic responsibilities. Franco used the Catholic Church's influence in society, specifically in the realm of education and moral authority, to advance his discriminatory agenda. Under Franco, "Motherhood was defined not only as the main family duty of women but also as women's main obligation toward state and society. The role of mothering was perceived as incompatible with other activities, such as waged work".<sup>11</sup> This view of women as obligated to the state was a constant aspect of Franco's regime and bolstered by the influence of the Church.

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<sup>9</sup> Celia Valiente, "Spanish Gender Equality Policy: At the vanguard of Europe?" (2006), 4.

<sup>10</sup> Ana Karla Silva-Fernandez, "Feminism and Catholicism," in Making Waves: This is What a Feminist Looks Like, ed. Maria Guerrero, Gisela Padron, and Monica Sanchez (Florida: Women's Studies Center, Florida International University, 2007), Vol. 5, 1.

<sup>11</sup> Celia Valiente, "Spanish Gender Equality Policy: At the vanguard of Europe?" (2006), 3.

During the first Francosim, the state instituted prohibitive measures to transform that stance on the position of women into a legislated reality. Women's activity and autonomy were severely limited through a series of bans and laws that struck at their independence. Marriage bars prevented women from working in certain companies or economic sectors following marriage while certain jobs, like in the field of law, were completely denied to women regardless of circumstance.<sup>12</sup> Another aspect of the prohibitions was the mandated dependency of married women on their husbands. A married woman was not permitted to enter into the workforce until her husband signed the labor contract.<sup>13</sup> Furthermore, married women were forced to secure the permission of their husbands in order to open a checking account or get a passport.<sup>14</sup>

Limitations such as the ones mentioned above were not the extent of the repression. Franco's association with the Church proved useful with his 'moral' prohibitions as well. Catholicism's traditional stand against such moral issues as divorce, contraceptives, and abortion fell in line with Franco's positions. Thus, Church doctrine served to bolster the dictatorship's stance.

Franco declared that only Catholic marriages were permissible, and, likewise, that divorce was strictly illegal. Not surprisingly, the selling or advertising of contraceptives became a crime. Furthermore, abortion, which had briefly been legal in Republican Spain during the Civil War, was considered a punishable offense. As Empar Pineda explains:

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<sup>12</sup> Celia Valiente, "Spanish Gender Equality Policy: At the vanguard of Europe?" (2006), 3.

<sup>13</sup> Ibid.

<sup>14</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

En el Código Penal Franquista, el único eximente que había en el delito de aborto, que estaba muy castigado con cárcel, el único eximente...para que consideraran que la pena fuera menor o para que no hubiera pena de muerte, era que hubieras hecho el aborto para salvar el honor familiar.<sup>15</sup>

In Franco's Penal Code, the only exemption for the crime of abortion, which was heavily punished with prison, the only exemption...in order for it to be considered a lesser crime or for it not to be punished with the death penalty, was if you had aborted to save the family honor.

Franco's position on abortion, which was clearly informed and reinforced by Catholic ideology, was the dominant legal stance on abortion until the socialists passed their reform bill in 1985. These restrictions on women and their bodies in conjunction with the labor bans and mandated dependency amounted to a legal subjugation of Spanish women.

During the second Francoism, changes occurred in a few sectors of the society. The relationship between Franco and the Catholic Church began to deteriorate. Some members of the Catholic Church had grown wary of the dictatorship. "A part (only a part) of the church distanced itself from the regime, self-criticized the position and actions of the Church in the civil war, and even gave protection and support to political dissidents".<sup>16</sup> This initiation of a separation between the Catholic Church and Franco's dictatorship marked the beginning of an informal secularization of Spanish society. The Church was taking definitive steps away from Franco and refusing to play the same role it previously had in the repression of Spanish society. At the same time, Franco, unsympathetic to dissidents of any kind, no longer wanted the Church to have the influence it once had.

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<sup>15</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

<sup>16</sup> Celia Valiente, "Spanish Gender Equality Policy: At the vanguard of Europe?" (2006), 5.

When the Church lost its unequivocal authority in the eyes of Franco, it also lost the right to exert pressure on the Spanish population. Without the mandated influence of Catholicism, it was possible for people to begin to separate church and state in their own lives. Though Spain would not become an officially secular state until 1978, the period of second Francoism represented the start of the long process of waning Catholic influence.

The second Francoism was also a time of increased tourism and economic development.<sup>17</sup> The opening up of Spain's borders to the international community allowed the population to view the dictatorship in comparison with the other European countries. As Spain became more of an international nation, the population came in contact more frequently with citizens of the neighboring progressive systems of government. As a result of this exchange, unrest unfolded. The unrest spread through the universities and communist organizations. Franco managed to sustain his regime through this period of strife, although he did make a few concessions.

During the second Francoism, there was a slight liberalization of gender policies. Some of the previous prohibitions were lifted, such as the marriage bars and the prevention of women's entry into specific professions.<sup>18</sup> However, it was not an overhaul of sexist policies in general. Divorce remained illegal and abortion a punishable offense. The ban on contraceptives likewise persisted. Thus, though Franco lifted a few of the restrictive bans, he left the majority firmly in place, demonstrating that his stance on women's position in Spanish society had not shifted.

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<sup>17</sup> Giles Tremlett, *Ghosts of Spain* (New York: Walker & Company, 2006), 102; Celia Valiente, "Spanish Gender Equality Policy: At the vanguard of Europe?" (2006), 6.

<sup>18</sup> Celia Valiente, "Spanish Gender Equality Policy: At the vanguard of Europe?" (2006), 3.

The European Union declared 1975 to be the National Year of the Woman and subsequently put a lot of pressure on Franco to reform the remainder of his repressive policies. As Empar Pineda relates, “Since the EU had decreed 1975 to be the International Year of the Woman, Franco’s government did what we call here a quick ‘lavado de fachada’, or superficial cleaning up of his act, because the laws were tremendously discriminatory...Really quickly, Franco’s government got rid of the most shocking laws in this legal discrimination”.<sup>19</sup> It was a reactionary attempt to feign tolerance in front of an international audience.

Franco died a natural death on November 20, 1975. His plan of succession entailed leaving power to Juan Carlos, the legitimate prince in the Bourbon line—Spain’s old monarchy family. Juan Carlos’ father was a known anti-Franco resister; however, Juan Carlos had been personally educated and trained by Franco.<sup>20</sup> The Spanish public was unsure of what to expect from him as a king.

## The Transition to Democracy

Initially the transition to democracy in Spain seemed an uncertain reality. However, with the forced resignation of President Carlos Navarro Arias, who had been in place during the dictatorship, and the subsequent replacement of him by Adolfo Suarez in July of 1976, King Juan Carlos I began to gain the respect of the Spanish people who were anxious for reform. He had chosen in Suarez a leader who would start making some of the necessary changes.

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<sup>19</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

<sup>20</sup> Donald Share, The Making of Spanish Democracy (New York: Praeger Publishers, 1986), 68.



Suarez immediately set out to restructure the political system. His plan was three-pronged. First, he wanted to gain the confidence of the three major players of the time—the military, the democratic opposition, and the communist left.<sup>21</sup> The second aspect of his political operation was to expand upon the reform law begun by President Arias.<sup>22</sup> This reform law had focused on the legalization of more political parties, since during Franco only one party had been permitted, as well as calling for local elections and a new bicameral legislature.<sup>23</sup> The third part was the idea that once the reform law was approved through the legislature, it would be put to a referendum for the Spanish people to have a say.<sup>24</sup>

The first elections, which transpired on June 15, 1977, proved that King Juan Carlos I had chosen well. Suarez was elected as the first President of Spain. However, the transition was not considered to have been completed until 1982 when the first socialist president was elected. Even though Suarez was elected in a free election, since he had originally been appointed by King Juan Carlos I, in many ways he represented the “continuity between franquism and the new democracy”.<sup>25</sup> Over the course of the next three chapters, I will further elucidate the process of transitioning to democracy in Spain, including the euphoria that erupted after Franco’s death, the constitutional project, and the socialist victory in 1982.

The transition to democracy had many priorities, but feminist issues did not typically rank among the privileged ones. Feminists within other political groups realized that their demands were becoming secondary to the more general aims of the

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<sup>21</sup> Donald Share, The Making of Spanish Democracy (New York: Praeger Publishers, 1986), 93.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid., 76.

<sup>24</sup> Donald Share, The Making of Spanish Democracy (New York: Praeger Publishers, 1986), 93.

<sup>25</sup> Ibid., 137.

party. This overall frustration facilitated the development of a mass feminist movement in Spain just as the continued neglect of feminist issues sustained its strength.

However, the feminist movement did not appear suddenly without any prior participation or political action on the behalf of Spanish women. Since the late sixties, women had started consciousness-raising and, occasionally, discussing the necessity of women having their own space within the political struggle.<sup>26</sup> Still, women's organizing during the pre-1975 period was not inspired by feminism. Rather, it was economically driven. The Movimiento Democrático de Mujeres (MDM- Democratic Women's Movement), the primary organizer of these types of women's groups, was one of the main fronts of the Communist Party, which remained illegal until 1977.<sup>27</sup> The MDM worked on labor rather than feminist issues and solicited women to join the anti-fascist struggle.

The transition to democracy was dominated by male politicians as were the political parties once they were legalized. Feminists during the transition channeled their dismay at thwarted political attempts into the creation of their own movement; their background in anti-fascist organizing had an important impact on its development. Likewise, the history of a dictatorship influenced the attitude activists had toward government and state officials. This directly affected the relationship between activist and state feminists. In the next chapter, I will discuss the development and trajectory of the Spanish feminist movement.

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<sup>26</sup> Monica Threlfall, "The Women's Movement in Spain," *New Left Review* 151 (1985): 45.

<sup>27</sup> Donald Share, *The Making of Spanish Democracy*, (New York: Praeger Publishers, 1986), 127; Monica Threlfall, "The Women's Movement in Spain," *New Left Review* 151 (1985): 45.

## Chapter Two: A Rethinking of the Traditional Periodization

In this chapter, I illustrate the strength of the Spanish feminist movement, specifically the ability to make dramatic progress toward one of its most important goals—legalizing abortion. While the movement was divided, at times quite explicitly, these divisions did not seriously hinder progress toward abortion reform since the different factions of the movement were always united in their goal of facilitating access to abortion.

Duran and Gallego established the traditional periodization of the MFE in 1986. They broke the movement down into three distinct periods—a period of expansion (1975-1979), a period of division and crisis (1979-1982), and a period of the institutionalization of the movement (1982-1988). This structure supported their claim that by the early 1980's when feminists had achieved most of the basic legal rights, save abortion, that they had been striving for, the MFE lost influence as a mass movement and began to break into smaller, less influential groups dispersed across the country.<sup>28</sup>

Their periodization was created prior to the passing of the 1985 Abortion Act. However, abortion was perhaps the most unifying goal of the entire feminist movement. Thus Duran and Gallego categorize the movement as dead without taking into account the most important campaign feminists waged. I have developed my own periodization of the Spanish feminist movement which recognizes both the highly mobilizing force of the abortion issue as well as the vitality of the smaller, dispersed groups.

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<sup>28</sup> Maria Angeles Duran and Maria Teresa Gallego, "The Women's Movement in Spain and the New Spanish Democracy," in The New Women's Movement, ed. Drude Dahlerup (London: Sage, 1986), 212.

I will present a counter analysis of Duran and Gallego's periodization as well as conceptualization of the movement in this chapter. I argue that the MFE, instead of dividing and dissolving in 1979, went through a process of transformation which allowed the movement to continue to function and work together. I have broken the movement down into four periods: a period of a unified but not homogenous movement (1975-1979), a period of diffusion (1979), a period of a unified cause, different tactics (1979-1982), and a period of unintended activist and state collaboration (1983-present day). Utilizing this structure, I will present the Spanish feminist movement as a strong movement that has continuously struggled with internal factions and fought to reconcile those tensions in order to continue organizing for feminist demands. These factions have been both between groups within the MFE and between activist and state feminists.

## The Eruption of a Feminist Movement

When asked to describe the climate of 1975 and the emergence of the feminist movement in Spain, Empar Pineda explained, "There is a friend of mine who always says that for us there is a before and after the discovery of feminism. For us, it was life's great discovery. It was as if someone had injected gasoline into our veins".<sup>29</sup> General Franco's death in 1975 coincided with the United Nation's International Women's Year.<sup>30</sup> The simultaneous occurrence of these two events

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<sup>29</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

"Hay una amiga mía que siempre dice que en nosotras hay un antes y un después de descubrir el feminismo. [P]ara nosotras, fue el gran descubrimiento de la vida. Fue como si nos hubieron inyectado gasolina en la vena".

<sup>30</sup> Ana Prata, "Women's Political Organizations in the Transition to Democracy: An Assessment of the Spanish and Italian Cases," *Journal of Women's History* 15, no. 3 (2003): 143

created an atmosphere of partial euphoria as Spain began to transition to democracy after almost forty years of a dictatorship. Women who had previously identified as solely anti-fascist political agitators took up the feminist struggle. On December 6, 1975, just two weeks after the death of Franco, the first Jornadas (Conference) for the liberation of women were held, clandestinely, in Madrid. At least 500 women attended these Jornadas, some representing collectives in their communities and others simply as eager individuals.<sup>31</sup> It was the first real gathering of the Movimiento Feminista Español (MFE).

Groups that openly identified as feminist did not exist before Franco's death. However, as I discussed in the previous chapter, organizations that made up the MFE began to form during the anti-fascist fight. Nearly two-thirds of Spanish feminists had previously been mobilized underground as anti-fascist activists.<sup>32</sup> The Spanish feminist movement's background in the anti-fascist struggle shaped the way in which they organized their movement and influenced the major schisms that would eventually divide them. Emerging from nearly four decades of oppression, censorship, and alienation; the Spanish feminists very quickly constructed a movement that "in less than ten years...attained the basic legal reforms it took other democratic countries more than forty years to achieve".<sup>33</sup> One of the main reasons the MFE was able to achieve such accelerated success was due to its rapid mobilization.

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<sup>31</sup> Maria Angeles Duran and Maria Teresa Gallego, "The Women's Movement in Spain and the New Spanish Democracy" in The New Women's Movement, ed. Drude Dahlerup (London: Sage, 1986), 208.

<sup>32</sup> Gretel Ammann, "The Effects of Forty Years of Dictatorship on the Spanish Feminist Movement," Irish Feminist Review 2 (2006): 51

<sup>33</sup> Maria Angeles Duran and Maria Teresa Gallego, "The Women's Movement in Spain and the New Spanish Democracy" in The New Women's Movement, ed. Drude Dahlerup (London: Sage, 1986), 202.

The activist feminists learned how to effectively structure a strong movement in the face of persecution from their time underground, a tactic which would remain useful throughout the transition and afterwards.<sup>34</sup>

### The Period of a Unified but not Homogenous Movement (1975-1979)

Spanish feminists approached the creation of a mass movement from distinct perspectives. Most activists arrived at feminism through different paths, typically from their previous political experience as anti-fascist agitators. However, even those experiences were extremely varied. Feminists who were members of political parties, though united in a feminist ideal, diverged greatly in their opinions on numerous practical and theoretical issues. These differences translated into the multiple factions that initially threatened the stability of the movement as it was forming. Still, their shared history of struggle and foresight of the fight yet to come encouraged Spanish activist feminists to privilege unity.

In this section I will discuss the first period when the movement was still creating its identity. Right at its conception it was comprised of numerous smaller groups, products of the various political influences at play. Each group protected its own separate, political loyalty. These individual groups ultimately broke down into two main factions, double or single militants, which I will explain below. This schism jeopardized the potential unity of the movement until the Jornadas in Barcelona in 1976 when a joint decision was made to prioritize their shared interests over their divisive qualities. The movement was thus unified but far from homogenous.

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<sup>34</sup> Gretel Ammann, "The Effects of Forty Years of Dictatorship on the Spanish Feminist Movement," *Irish Feminist Review* 2 (2006): 51

The issue of abortion was posited as one of the overarching feminist demands that had the potential to unify the two main factions. In this section I will also argue why abortion was such an important, influential topic for Spanish feminists.

At the first Jornadas in Madrid, major discussions included distinct views on feminism and how to employ praxis most effectively. Initially, the first divisions erupted between sections pushing for the MFE to focus on immediate, tangible aims such as amnesty for political prisoners and others who wanted the movement to concentrate their efforts on more long term projects such as the decriminalization of contraceptives, abortion, adultery, and divorce.

The schism between double and single militant feminists, however, was the most important schism in the first three periods of the movement. Double militant feminists, also known as class-struggle feminists, believed people could and should mobilize in political parties as well as the feminist movement whereas single militant feminists, sometimes referred to as autonomous feminists, thought that political parties inevitably subjugated women's issues and the only possible way to pursue feminist goals was through feminist organizing alone.

The rift between the two grew out of the activist feminists' history as members of political parties as well as the abandonment of feminists by many political actors during the democratic transition. This militancy debate was by no means unique to Spain; however, as Ana Prata points out, it was a debate that, due to the specific context of the time, had a special urgency to it.

...because women's movements and feminist organizations originated in Spain in the context of antiauthoritarianism and democratic transition, many women's grievances were taken to be 'less pressing'....women felt highly pressured to cooperate in the general political fight for

democratization....Therefore, more than in any other country, for feminists, the question of ‘double militancy (that is, how to agitate for democracy and feminism at the same time) and the ‘relationship with the parties’ assumed vital importance.<sup>35</sup>

For Spanish feminists, navigating their relationship with political parties was crucial to the success of the movement and to ensuring their place within the new democracy.

The split between double and single militant feminists was certainly the dominant division within the movement.<sup>36</sup> This rift hindered the movement’s ability to affect change and influence the transition to democracy, for they were unable to make unified decisions. The activist feminists could not particularly agree on goals or tactics.

Feminists began to address these divisions more concretely at the Jornadas in Barcelona in 1976. When the Jornadas convened, there were two main impulses at play. On the one hand, there was the expansive, factious movement of feminists, some of whom belonged to separate, smaller groups and had various other loyalties whether they were feminist, socialist, or communist. These divisions tore away at unification efforts. On the other hand, there was the inclination, due to a shared history of struggle, to unify in a highly structured, organized manner. The ultimate outcome was a synthesis of these two, seemingly contradictory impulses, into a clearly structured and centralized yet fluid feminist movement.

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<sup>35</sup> Ana Prata, “Women’s Political Organizations in the Transition to Democracy: An Assessment of the Spanish and Italian Cases,” *Journal of Women’s History* 15, no. 3 (2003): 145

<sup>36</sup> Gracia Trujillo challenges the absoluteness of the double versus single militancy binary within the MFE. Trujillo proposes a third faction, Tercera Vía, comprised of feminists who supported the idea of double militancy but were not actually participants in other political parties. She cites El Frente de Liberación de la Mujer in Madrid and el grupo ANCHE in Barcelona which were both feminist groups with members who only belonged to the MFE but believed in double militancy. (Gracia Trujillo, *El movimiento feminista como actor político en España: el caso de la aprobación de la Ley de despenalización del aborto de 1985* (Madrid: Instituto de Juan March, 2001), 9. [this is not yet published; it is an author’s copy]



As the second major feminist conference, the Jornada in Barcelona was an opportunity for the activist feminists to move beyond their initial euphoria and begin resolving some of their internal strife. Over 4,000 women attended the Jornada in Barcelona.<sup>37</sup> Empar Pineda, the co-founder of the first pro-choice group in Spain (La comisión pro-derecho), was living in Barcelona at the time and a participant at the Jornadas.

Estamos en una situación de semi-legalidad porque todavía no había habido ni constitución ni proceso democrático ni siquiera estaban legalizados todos los partidos, ni muchos menos. Y nos juntamos cuatro mil mujeres en la Universidad de Barcelona para hablar de lo divino y de lo humano—de todo. Hablamos de sexualidad, hablamos de lesbianismo, hablamos de los delitos específicos de las mujeres porque todavía el Código Penal penalizaba el aborto, penalizaba los anticonceptivos, penalizaba adulterio. Hablamos de la situación en el mundo laboral tan discriminatorio para las mujeres y el ámbito de la educación. ¡Todo, absolutamente todo! Eso fue mi primer contacto directo y fue una locura. Maravillosa pero una locura.<sup>38</sup>

We were in a situation of semi-legality because still there hadn't been a constitution or the democratic process and they hadn't legalized all the parties— not even close. And we got together 4,000 women in la Universidad de Barcelona to talk about everything from the spiritual to the human—of everything. We talked about sexuality, we talked about lesbianism, we talked about the crimes that specifically targeted women because the Penal Code still penalized abortion, penalized contraceptives, penalized adultery. We talked about the situation in the labor world and how it discriminates against women and we talked about the field of education. Everything, absolutely everything! This was my first direct contact [with the MFE] and it was insane. Marvelous, but insane.

The discussion on feminism paved the way for the numerous differences among the activist feminists to emerge. In Barcelona, a unified MFE seemed improbable in the face of such a divisive movement.

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<sup>37</sup> Gracia Trujillo, El movimiento feminista como actor político en España: el caso de la aprobación de la Ley de despenalización del aborto de 1985 (Madrid: Instituto de Juan March, 2001), 9.

<sup>38</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

During the last days in Barcelona, there was a discussion over whether or not, given the clear divisions that existed, the movement should be unified. Unification was only possible if the movement could find a way of transcending their differences. Ultimately, for Spanish activist feminists, there were two compelling reasons to choose unity. Their shared history in the anti-fascist fight was one method to overcome their multiple ideological divisions. The other, more tangible reason was the fight for abortion. Abortion evoked such intense memories of control and oppression related to the recent dictatorship that it became the perfect, all-encompassing topic for the various factions to mobilize around.

The memory of shared experience and combined effort during the anti-fascist struggle was still strong in Barcelona, for the dictatorship had only ended the previous year. Not enough time had passed for activist feminists to neglect the importance of fighting together. Pineda explains why, due to their background in the anti-fascist struggle, the question of unity was not one that could easily be dismissed by Spanish feminists.

Yo creo que tiene mucho que ver con la tradición de lucha unitaria anti-franquista. Eso no quiere decir que no hubiera sectarismo [en el MFE] también. Había rivalidades y además, pero el aspecto unitario durante todo la lucha anti-franquista fue un aspecto que estaba muy enraizado en las personas y en las organizaciones. Yo creo que eso explica mucho...la voluntad unitaria.<sup>39</sup>

I believe that [the decision to unify] has a lot to do with the tradition of the anti-Franco fight. This is not to say that there wasn't sectarianism [in the MFE] also. There were rivalries as well, but the united aspect during all of the anti-Franco fight was an aspect that was deeply ingrained in the people and the organizations. I believe that this really explains the united will of the movement.

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<sup>39</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

The shared history of the activist feminists primed them to unify; however, the issue of abortion allowed them to do so effectively.

Abortion was the topic that everyone in the movement, despite their diverging loyalties, was able to agree was important enough to prioritize. Even though abortion was an important issue in many other Western European countries, the way abortion was conceptualized by Spanish feminists differed than feminists in other countries.

The dictatorship, through its laws and regulations, had strictly policed women's bodies. The criminalization of abortion was one of the most obvious forms of that control. Thus, the memory of the dictatorship made feminists view rights related to control of their bodies with special urgency and importance. As a result, activist feminists, regardless of their specific faction within the movement, were adamant about the necessity of abortion rights.

In the last chapter I discussed the numerous restrictions on women's bodies and independence that dominated during both Francoisms. After four decades of a dictatorship that exerted such oppressive control over women's bodies, it is not surprising that activist feminists across political lines made decriminalizing abortion a priority. Gracia Trujillo explains that denying the right to abortion was a strategy of control on the part of a patriarchal system that had two main forms of expression. The first was through the control of women's bodies, the second was through violence. "I believe that to control women's bodies supposes control of their sexuality—control of reproduction. Thus, to limit the right to abortion, the right to chose over your own

body, over your own sexuality, is to control women.”<sup>40</sup> The dictatorship’s control of women was most clearly apparent in the penalization of abortion.

Since abortion for activist feminists represented the dictatorship’s extreme exertion of control in women’s lives, there was a specific tone underlying the abortion debate that allowed this one issue to mobilize the movement into unified action. Celia Valiente, a leading Spanish scholar on abortion politics, explains that “feminists were quite divided along political ideology...[but]...[the MFE] was united in the sense that, for instance, regarding abortion, nobody said we were not in favor of abortion”.<sup>41</sup> Valiente, joining with assertions made by Trujillo and Pineda, cites the collective memory of fascist abuses when asked what it was for Spanish feminists that made abortion so mobilizing. “It was part of the reaction against the dictatorship; the dictatorship oppressed women so much that even mild feminists didn’t really want the state pushing women down”.<sup>42</sup> Any issue that implied allowing government control over the body, especially a female body, carried with it the memory of the abuses carried out on people during the dictatorship. Activist feminists, who had their common background in the fight against the dictatorship, found their unity in fighting against the issue that seemed to embody the harm the regime had wreaked on women.

Moreover, abortion is an issue that implicates many other themes:

Es un tema que te permite plantear cuestiones que van mucho más allá del tema del aborto. Que te permite contar el tema de la sexualidad. El tema de una sexualidad no reproductora; el tema por lo tanto de una sexualidad del placer; el tema de anticoncepción; el tema de lesbianismo; el tema de lo que

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<sup>40</sup> Gracia Trujillo, interview by author, Madrid, Spain, spring 2007.

“Yo creo que controlar los cuerpos de las mujeres supone controlar de su sexualidad- controlar de la reproducción. Entonces, a limitar el derecho a aborto, derecho a propia elección sobre tu cuerpo, sobre tu sexualidad, es tener las mujeres controladas”.

<sup>41</sup> Celia Valiente, interview by author, Madrid, Spain, spring 2007.

<sup>42</sup> Ibid.; Empar Pineda, interview by author, Madrid, Spain, spring 2007; Gracia Trujillo, interview by author, Madrid, Spain, spring 2007.

representa para las mujeres la maternidad; y por lo tanto, el derecho de las mujeres a decidir cuándo, cómo, en qué condiciones puede ser y puede no ser, total.<sup>43</sup>

It's an issue that permits you to think about questions that go way beyond the topic of abortion. That permits you to talk about sexuality. The topic of a non-reproductive sexuality; the topic of a sexuality of pleasure; the topic of contraceptives; the topic of lesbianism; the topic of what represents maternity for women; and the right of women to decide when, how, and in what conditions they can be and cannot be mothers.

Thus, not only did abortion represent the control Franco had exerted over women's bodies, but it covered such a wide array of issues that it was, in many ways, the most apt topic to unify the movement.

As a result of their shared experience in the anti-fascist struggle and the unifying force of the issue of abortion, the majority of feminists decided to prioritize unity over their differences at the Jornadas in Barcelona. This decision directly affected the development of the movement, especially its organization.

Just as the decision to unify in the first place was primarily informed by Spain's recent history of oppression, the manner in which the feminists organized their movement was likewise shaped by their acquired knowledge from resisting Franco. Gretel Ammann, a Catalan feminist who was active in the MFE, believes it is necessary to always view the movement in its unique context as a social movement that emerged directly after four decades of an oppressive dictatorship.<sup>44</sup> During the anti-fascist struggle, it was necessary for political movements to be highly organized in order for the movements to remain secretive and to be successful. When forming

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<sup>43</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

<sup>44</sup> Gretel Ammann, "The Effects of Forty Years of Dictatorship on the Spanish Feminist Movement," *Irish Feminist Review* 2 (2006): 51.

the unified MFE after the Jornadas in Barcelona, the activist feminists incorporated the structure they had learned to privilege into their movement.<sup>45</sup>

At the same time, the MFE, though unified at this moment, was certainly not homogenous. The decision to unify did not impact the existence of the numerous smaller groups within the movement nor did it entirely quiet the rift between double and single militant feminists. All of these factions survived; however, they suppressed their differences temporarily for the sake of the movement and the goal of acting as one unified feminist voice.

The fact that the movement was not homogenous, though, did add another important element to way in which the movement was ultimately formed. On the one hand, there was the impulse to organize the MFE into a clearly structured movement based off of the regulations that had served the activist feminists so well when they had been political activists during the dictatorship. On the other hand, there was a conflicting impulse to allow a certain amount of space for the various factions to participate at an individual level.

The eventual outcome was a synthesis of these two, seemingly contradictory impulses, into a highly centralized yet fluid feminist movement. Ammann describes the organization of the MFE as including:

assemblies, in which women participate in an individual capacity, or coordinating committees, in which women participate as group representatives, as happens in Barcelona, Madrid, and elsewhere. [Then] one, two, or three permanent or rotated representatives are sent from each town to the Nation Coordinating Committee (La Coordinadora Estatal), which meets in Madrid. The town meetings are held every month, and the national ones every two or three months. The purpose of these meeting is to achieve a united front on actions and policy by the imposition of majority rule: that is,

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<sup>45</sup> Gretel Ammann, "The Effects of Forty Years of Dictatorship on the Spanish Feminist Movement," *Irish Feminist Review* 2 (2006): 52.

once a vote has been taken, the minority must either give in or abstain. The final binding decisions are made in Madrid. Those feminists who do not follow orders are ignored or 'thrown out' of the Movement.<sup>46</sup>

This type of structure with individual groups unified by a coordinating national committee, la Coordinadora Estatal, incorporated the structure of the pre-democratic transition political organizing, save for the secrecy, while still allowing partial independence for the separate factions of the movement.

La Coordinadora Estatal was integral to maintaining the unity of the movement. Established in 1977 following the Jornadas in Barcelona, la Coordinadora Estatal was the governing body of the movement. It became the face of the MFE when it interacted with the established Spanish political parties. When the MFE attempted to work within the developing political framework of the transitioning democratic state, la Coordinadora Estatal was the vehicle through which the activist feminists acted. It was the unified voice of the movement.

Thus, the activist feminists, through the organizing structure of la Coordinadora Estatal, were able to transform their basic impulse to unify into a unified mobilization effort by focusing on shared aims, chief among which was abortion. Trujillo states that when la Coordinadora Estatal first met in 1977, "...it was responding to the necessity to organize the plurality of groups that comprised the MFE. Despite the great diversity that existed among the different feminist groups, they presented a common nucleus of claims, among which abortion was one of the central demands".<sup>47</sup> The existence of La Coordinadora Estatal gave Spanish feminists

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<sup>46</sup> Gretel Ammann, "The Effects of Forty Years of Dictatorship on the Spanish Feminist Movement," *Irish Feminist Review* 2 (2006): 53.

<sup>47</sup> Gracia Trujillo, El movimiento feminista como actor político en España: el caso de la aprobación de la Ley de despenalización del aborto de 1985 (Madrid: Instituto de Juan March, 2001), 10.

an established voice through which to communicate with the rest of the political world. This ability became especially important in 1978 when the fathers of the constitution were developing the constitution.

La Coordinadora played a crucial role during this time for the movement by bringing the opinions and the voice of activist feminists to a discussion that was otherwise entirely dominated by male forces. “La Coordinadora, while [the fathers of the constitution] were elaborating the constitution, was critically analyzing the points of the constitution that were being approved”.<sup>48</sup> Through the path that La Coordinadora created, Spanish feminists were able to share their views on the constitution as it was being developed; however, in the end, it was still the fathers of the constitution who had the power and authority to decide what would be included or excluded.

The changes made to final constitution demonstrated the lack of feminist influence in the constitutional project. When the finished constitution was brought to a referendum in 1978 it did not include most of the aspects for which la Coordinadora Estatal had fought: the right to birth control had been taken out and divorce, adultery, and abortion were not legalized or even decriminalized. Moreover, there had been a symbolic shift in the wording of one section that greatly affected the abortion rights debate. A line that had previously stated “every person has the right to life” was

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“...respondía a la necesidad de organizar la pluralidad de grupos que integraban el MFE. Pese a la gran diversidad existente entre los diferentes grupos feministas, éstos presentan un núcleo común de reivindicaciones, entre las cuales el *issue* del aborto es una de las demandas centrales”.

<sup>48</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

“La coordinadora feminista mientras se fue elaborando la constitución, fue haciendo una labor crítica hacia los puntos de la constitución que se iban aprobando por parte de lo que se llamó los padres de la constitución.”



changed by pressure from the leader of the conservative party at the time, Fraga, to “all have a right to life”.<sup>49</sup>

Though the movement was unified, the fact that it was not homogenous became glaringly apparent when it came time to vote on the constitution. The change from ‘every person’ to ‘all’ was clearly linked to this event. “In fact, in 1983, in the parliamentary discussions about the decriminalization, Fraga recognized that his party had proposed substituting the word ‘all’ for ‘people’ during the constitutional debates with the objective of having a constitution that would be able to protect a fetus”.<sup>50</sup> As a result of these issues, voting on the referendum was a tricky task for Spanish feminists. Many divisions existed within the MFE in regards to whether to vote ‘yes’ or ‘no’. Double militant feminists tended to fall in with how their other parties were voting; most single militant feminists were against the constitution.<sup>51</sup> The question became whether they should again prioritize unity and vote as the conglomerate feminist movement or if they should allow for a temporary break down of their solidarity and vote according to individual loyalty and opinion.

Due to the intensity of the divisions and the fear of dissolving, la Coordinadora decided to abstain from voting as a unified movement and allowed instead for each member of the movement to vote individually. Pineda explains that “in order to not break the unity of the feminist movement, which seemed to us to be a lot more important than voting on the constitutional referendum, this is what we did:

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<sup>49</sup> Monica Threlfall, “The Women’s Movement in Spain,” *New Left Review* 151 (1985): 50

<sup>50</sup> Belén Barreiro, *Democracia y conflicto moral: la política del aborto en España e Italia* (Madrid: Istmo, 2000), 104.

“De hecho, en 1983, en las discusiones parlamentarias sobre el proyecto de despenalización, Fraga reconocería que su partido había propuesto en los debates constituyentes sustituir la palabra ‘personas’ por ‘todos’ con el objetivo de que la Constitución pudiese proteger al feto”.

<sup>51</sup> Monica Threlfall, “The Women’s Movement in Spain,” *New Left Review* 151 (1985): 50

we created a publicity work that explained why we critically viewed many aspects of the constitution but left the liberty to vote to every individual so they were not obligated to the feminist groups”.<sup>52</sup> Thus, in order to save the unity of the MFE, la Coordinadora had refrained from speaking for the movement as a whole.

The referendum struck at the core of the main schism of the MFE by forcing feminists to decide whether or not they valued the ultimate goal of democratization over their personal, feminist aims. “The referendum on the Constitution [had] created a problem of conscience for women, forcing them to act either as citizens or as the oppressed sex”.<sup>53</sup> The decision not to vote as a united group both reaffirmed and undermined the MFE’s dedication to unity in spite of their many differences. According to Pineda, la Coordinadora’s decision was “a good example of the unity of the group being always put ahead”—la Coordinadora preferred to abstain from voting rather than to allow the MFE to be represented as a divided movement.<sup>54</sup> In that sense, the abstaining was a very strong illustration of how important unity was to Spanish feminists. At the same time, the fact that the MFE was incapable of coming to a unified position regarding the referendum implies just how divided of a movement they really were.

## The Period of Diffusion (1979)

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<sup>52</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

“...para no romper la unidad del movimiento feminista que nos parecía mucho más importante que la votación del referéndum constitucional, eso es lo que hicimos: hacer una labor de propaganda de por qué veamos criticables muchos aspectos de la constitución pero dejar, digamos, libertad de voto para que cada cual se pudiera pronunciar sin estar obligadas a los grupos feministas”.

<sup>53</sup> Monica Threlfall, “The Women’s Movement in Spain,” *New Left Review* 151 (1985): 50

<sup>54</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

“...un buen ejemplo de la unidad poniendo siempre por delante”.

When the demands and voices of the MFE were neglected by the political leaders during the constitutional project, it triggered a resurgence of the militancy debate. For four years the MFE managed to maintain a cohesive, unified structure despite its obvious internal divisions. However, as the political climate changed, preserving the movement's unity based on shared common goals became even more difficult. As I have already discussed, activist feminists had an ingrained wariness of political parties and institutions as a result of Franco's regime. Thus, just one year after la Coordinadora chose to abstain from voting on the constitutional referendum rather than risk compromising the unity of the movement, the MFE succumbed to its differences. However, the movement did not dissolve, as Duran and Gallego propose; rather, it diffused into smaller groups which were dedicated to their own individual action instead of a unified feminist movement.

As a result of the four decades of the dictatorship, activist feminists were wary about trusting governmental actors. Ammann states that "A dictatorship in a country creates the general view that everything connected with power, government or institutions is by nature corrupt and contemptible. This mentality has not changed in democracy".<sup>55</sup> When feminists were left out of the constitutional process and the socialist platform neglected to retain the feminist issues they had originally promised to pursue during their electoral campaign, this wariness was exacerbated.

The outcome of the 1979 election exacerbated the divide between the activist feminists and the government. The 1979 elections resulted in a, perhaps seemingly minimal yet at least symbolically relevant, reversal of the more progressive electoral

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<sup>55</sup> Gretel Ammann, "The Effects of Forty Years of Dictatorship on the Spanish Feminist Movement," *Irish Feminist Review* 2 (2006): 53.

results of the 1977 elections. These results combined with the abandonment the activist feminists already felt from the political leaders of the transition to create a general distrust of political parties and persuaded many feminists that single militancy was the only legitimate method of mobilization.

The nationwide Jornadas in 1979 signified the definitive break in the unity of the MFE.<sup>56</sup> Over 3,000 women gathered in Granada in 1979, informed by all of the recent developments in the transitioning Spanish state. Unlike the Jornadas in Barcelona, the Jornadas in Granada were debate Jornadas, a format which only served to exacerbate the already present divisions. Trujillo states that in Granada “the separation was made explicit between the supporters of equality feminism, linked to double militancy, and difference feminists, supporters of single militancy in feminist groups, and this constituted the schism—still not overcome today—of the MFE”.<sup>57</sup> The political climate leading up to the Jornadas in Granada made it nearly impossible for the movement to remain unified, for it constantly called into question the very reason they had struggled with unification in the first place—militancy.

According to Duran and Gallego, this was the death knell for the MFE, especially since, save for the right to abortion, all of the other basic feminist claims

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<sup>56</sup> Maria Angeles Duran and Maria Teresa Gallego, “The Women’s Movement in Spain and the New Spanish Democracy” in The New Women’s Movement, ed. Drude Dahlerup (London: Sage, 1986), 212.

<sup>57</sup> Gracia Trujillo, El movimiento feminista como actor político en España: el caso de la aprobación de la Ley de despenalización del aborto de 1985 (Madrid: Instituto de Juan March, 2001), 11.

“...se hizo explícita la separación entre las partidarias del feminismo de la igualdad de derechos (equality feminism), relacionado con la doble militancia, y las feministas de la diferencia, partidarias de la única militancia en los grupos feministas, lo que constituyó la escisión- todavía hoy no superada- del MFE”.

had already been recognized.<sup>58</sup> Left with only abortion for which to fight, the MFE “lost its appeal. From 1980 on there were none of the previous mass mobilizing events; instead, there began a process of forming loose assemblies of women in different provinces, rather individual in character. The movement fell to pieces”.<sup>59</sup>

My re-interpretation of Spanish feminism, however, illustrates how rather than “failing to pieces” the MFE was instead going through a substantial organizational transformation. Duran and Gallego failed to recognize that the right to abortion was one of the most mobilizing aspects of the movement originally, so the fact that in 1980 Spain still lacked a law decriminalizing abortion was no small detail. Instead of these loose assemblies of women in different provinces signaling the downfall of a once united movement, they represented a new phase for the MFE.

In 1979 the movement recognized that being unified but not homogenous was no longer functioning adequately, and the activist feminists opted rather to split into many smaller, autonomous groups. Each group would then be capable of deciding individually which aims to pursue and which praxis to employ.

### The Period of a Unified Cause, Different Tactics (1979-1982)

In 1979 the MFE began a campaign centered on a trial in Bilbao; however, instead of attempting to recreate the unified but not homogenous character of 1975, activist feminists opted instead to embrace their differences while still working within

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<sup>58</sup> Maria Angeles Duran and Maria Teresa Gallego, “The Women’s Movement in Spain and the New Spanish Democracy” in The New Women’s Movement, ed. Drude Dahlerup (London: Sage, 1986), 212.

<sup>59</sup> Maria Angeles Duran and Maria Teresa Gallego, “The Women’s Movement in Spain and the New Spanish Democracy” in The New Women’s Movement, ed. Drude Dahlerup (London: Sage, 1986), 212.

a loosely unified structure. Following the period of diffusion, the MFE remained in a fragmented state. Though that period was short-lived, lasting only within the year of 1979, the individual nature of the movement became a defining characteristic of the MFE. When Spanish feminists with diverging perspectives wanted to unite back in 1975, they had rallied, in part, around the issue of abortion. In 1979 a trial began in Bilbao which served a very similar purpose and brought the now separate groups of the MFE back together. However, this time Spanish feminists were equipped with the experiential knowledge of the first two periods. Thus, though the MFE was no longer a united movement, the Bilbao trial would serve as a mobilizing moment for the feminists whom, since the Jornada in Granada, had diffused across the country.

The Bilbao trial offered feminists the opportunity to regain some of the initial euphoria that helped propel the movement into action in 1975. Marshall Ganz explains the concept of “‘focusing moments’ events that create unique opportunities for mobilization by drawing attention to particular issues”.<sup>60</sup> The Bilbao trial was such an event, for it provided a focal issue for a fragmented movement as well as creating a politicized atmosphere that supported and cultivated activism. Not only was it a court case about the major legal right that had unified feminists earlier during the first period—abortion—but, in many ways, it was the perfect case for the MFE to make its stand for that right.

The trial really began in October of 1976 when eleven women from Vizcaya, an industrial town near Bilbao, were arrested for “prácticas abortivas”. Eight of the women were charged with having aborted; one was charged with only having

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<sup>60</sup> Marshall Ganz, “Why David Sometimes Wins: Strategic Capacity in Social Movements,” in Rethinking Social Movements, ed. Jeff Goodwin and James M. Jasper (Oxford: Rowman & Littlefield Publishers, Inc., 2004), 192.

attempted. The two principal defendants, who were mother and daughter, were accused of performing abortions. The daughter was also charged with having aborted.<sup>61</sup> All of the women accused were between the ages of 33-46 years; all except one was married with an average of three children each; and each one came from a difficult economic situation.<sup>62</sup> Justa Montero, co-founder of La Comisión Pro-Derecho al Aborto, explains why this particular case had the power to define the abortion campaign.

Bueno, el juicio a las 11 mujeres fue un hecho muy relevante. O sea, en la historia de la lucha por el derecho al aborto, la defensa de esas once mujeres fue algo que permitió empezar ese cambio...Eran once mujeres de un pueblo de Vizcaya, que habían abortado, de un barrio muy popular, que habían abortado porque no tenían recursos económicos. Entonces, ver a once mujeres que las están juzgando porque han abortado, pues es una imagen muy fuerte. Pues la defensa de esas mujeres permitió visualizar el problema del aborto con nombres y apellidos, no sólo teórico, sino que la gente viera que efectivamente era un problema real para las mujeres. Y yo creo que en una campaña general, eso es lo que más fue un hecho muy, muy relevante.<sup>63</sup>

The trial of the 11 women was a really important event. That's to say that in the history of the fight for the right to abortion, the defense of the 11 women was something that allowed for the beginning of change...They were 11 women that had aborted from a town in Vizcaya, from a very popular neighborhood, that had aborted because they didn't have economic recourses. So, to see these 11 women on trial because they had aborted—well, that's a strong image. The defense of these women allowed for the visualization of the abortion issue with first names and last names, not only theoretical, but rather people could actually see that it was a real problem for women. And I believe that in a general campaign, this was the event that was the most relevant.

The nature of the trial and the economic status of the women encouraged a humanization of the abortion debate. This type of publicity was the first step in a

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<sup>61</sup> Javier Angulo, "El próximo día 16 serán juzgadas en Bilbao once mujeres acusadas de prácticas abortivas," *El País*, <[www.elpais.com/global](http://www.elpais.com/global)> 5 June 1981.

<sup>62</sup> *Ibid.*

<sup>63</sup> Justa Montero, interview by author, Madrid, Spain, spring 2007.

more general public opinion campaign that would become the crux of feminist organizing.

Moreover, the timing of the trial was impeccable. Spanish feminists had learned by 1979 that organizing as a unified front was not an effective way for their movement to succeed; the movement itself was too divided. By the time of the trial in Bilbao, the separate groups of the MFE and the individual feminists who made up the movement had dispersed and were pursuing activism through their own means and tactics. This individual nature of the movement that existed in 1979 as a result of the period of diffusion gave strength and influence to the Bilbao campaign. As Sidney Tarrow explains, “Social movements are not limited to particular types of action but have access to a variety of forms, either alone or in combination. This flexibility allows them to combine the demands and the participation of broad coalitions of actors in coalitional campaigns of collective action and to shift their focus both outside and inside the political process”.<sup>64</sup> The MFE became a varied movement after the Jornadas in Granada when they abandoned their attempt to be unified while clearly not homogenous. It was during this third period that the MFE was able to embrace their heterogeneity and, simultaneously, work within a loosely unified structure.

Starting in 1979, the topic of abortion once again served as the unifying theme for the MFE; however, this time in a more practical manner. Instead of attempting to dismiss their differences and only focus on their similarities, activist feminists fought according to their own views on activism. They agreed on the goal of having the case

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<sup>64</sup> Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics*, Second Edition (Cambridge, UK: Cambridge University Press, 1998), 104.



dismissed, amnesty for the eleven women, and a decriminalization of abortion. In this way, the new type of unification the MFE practiced had a very inclusive nature. The new identity allowed the MFE to be the type of flexible movement of which Tarrow spoke—a varied movement with multiple paths toward success. Montero agrees and credits their success to the alternative activist approaches the various feminist collectives implemented.

El movimiento feminista, a raíz de estos juicios, hizo una campaña de muchos años y muy intensa en la que empezaron a participar todo tipo de colectivos de mujeres y contando con muchísimos apoyos en todos los sectores sociales, profesionales y políticos. Entonces, fue una campaña muy fuerte que penetró mucho socialmente y que es lo que permitió explicar que es realmente el aborto y por qué las mujeres tienen que tener este derecho a poder interrumpir voluntariamente su embarazo, y es lo que consiguió variar la opinión de la sociedad, ¿no?<sup>65</sup>

The feminist movement, at the beginning of these trials, created a campaign of many years that was very intense in which every type of women's collective began to participate and including the support in every social, professional, and political sector. So, it was a very strong campaign that penetrated a lot socially and that allowed us to explain what abortion really is and why women have to have the right to abort and it's what succeeded in changing the opinion of society.

Activist feminists discovered that they could be even more effective by allowing every individual group of the movement to employ their own tactical approach instead of attempting to uniform action through la Coordinadora.

Las Comisiones Pro-Derecho al Aborto were a product of this new phase of the movement. Co-founded by Empar Pineda and Justa Montero, the la Comisión Pro-Derecho began specifically in response to the Bilbao trial. The groups existed across Spain; however, the first one was in Madrid. Montero explains:

Cuando se conoce que se va a realizar este juicio, la Asamblea de Mujeres de Vizcaya, donde este juicio se iba a realizar...lo comunica a todos los grupos

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<sup>65</sup> Justa Montero, interview by author, Madrid, Spain, spring 2007.

feministas y entonces se ve que hay que hacer. En fin, que va a ser una línea de trabajo muy importante, y se crean las Comisiones Pro-Derecho al Aborto en distintos sitios.<sup>66</sup>

When [the feminists] realized that [the judges] were going to do this trial, la Asamblea de Mujeres de Vizcaya, where they were going to perform the trial, told all the feminist groups and then realized what there was to do. Basically, that there was going to be very important work to be done and las Comisiones Pro-Derecho were created in different places.

Las comisiones were the type of group that Duran and Gallego noted when citing the downfall of the MFE: loose assemblies in every community. The groups do not on an individual level seem impressive, for each one was small in numbers. For instance, the one in Madrid was only about twenty people. However, their influence extended significantly beyond their membership.

Las comisiones were among the groups to spearhead the organization of the protests in the various communities across the country. They were not the only groups involved. Unlike during the first period when unification in principles and action was the priority and necessity for the MFE, during this period, the unity of the MFE was solely a result of a unified campaign—the Bilbao trial. Many different feminist groups took part in the campaign, such as Las Asambleas of every city. They each mobilized according to their own notion of effective activism. As a result, the MFE was a movement unified in purpose but extremely varied in tactic. This mobilization did not falter from 1979-1982, the period of time it took for the trial, which was suspended three times, to run its course. Over the three years, there was a constant state of protest across Spain directed by the feminist groups. The nature of these protests differed depending on the organizing group.

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<sup>66</sup> Justa Montero, interview by author, Madrid, Spain, spring 2007.

Some of the protests had a more institutionalized bent and aimed to work within the system: On October 21, 1979, five days before the trial was set to start for the second time, over three hundred people, mostly women, gathered inside the Palacio de Justicia in Madrid. They were mostly representatives from the MFE; around sixty of the members present were lawyers. They were meeting in solidarity with and in an attempt to brainstorm solutions for the eleven women in Bilbao. The National Police surrounded the palace and accosted the representatives inside, yelling “Sluts!”<sup>67</sup> and “Leave the country to abort!” at the women.<sup>68</sup> The situation devolved into chaos when the women locked themselves in the building only to be forcefully kicked out by the police. A protest erupted in the street outside and a number of feminists sustained injuries from the police.<sup>69</sup>

Though that protest likewise resulted in havoc in the street, it began with feminists seeking legal solutions for the Bilbao women. Other protests were more centered on demonstrating beliefs and opinions. In that vein, some were simply shows of support while others were more active in their statements. In late October 1979, many feminist groups across the country locked themselves into municipal buildings in order to show solidarity with the eleven women. Such protests erupted in Salamanca, Pamplona, and Las Palmas, to name a few cities.<sup>70</sup> The lock-in was a very common form of protest during the Bilbao campaign and a frequent way in which feminists demonstrated support for the eleven women.

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<sup>67</sup> ¡Zorras!

<sup>68</sup> ¡Iros a abortar fuera!

<sup>69</sup> “La policía cargó violentamente contra las feministas: celebraban una asamblea en el Palacio de Justicia sobre el aborto,” *El País*, <[www.elpais.com/global](http://www.elpais.com/global)> 21 October 1979.

<sup>70</sup> José Manuel Vaquero, “El Ayuntamiento de Oviedo se solidariza con las once procesadas de Bilbao,” *El País*, <[www.elpais.com/global](http://www.elpais.com/global)> 28 October 1979.

There were still other protests of the demonstrative nature that were more active in their execution. In June of 1981 a group of feminists in Madrid, mostly from La comisión pro-derecho, illustrated their solidarity by painting all over the street in the early morning in demand of amnesty for the Bilbao women. Twelve women were arrested; Empar Pineda was among them.<sup>71</sup>

Despite the differing approaches, the MFE was loosely unified during this time which allowed for broader and even more powerful statements to be made. In June of 1979, the different feminist groups came together and succeeded in creating perhaps the most influential petition of not just the Bilbao campaign but the entire campaign in favor of abortion rights. Pineda explains that in drafting this petition “We imitated the French, who had such a trial near Paris. We imitated them by collecting signatures from really important people in the sphere of literature, politics, the university, pop culture, and the intellectual world”.<sup>72</sup> The petition was signed by 1,300 women and 1,200 men. The women signed ‘I have also aborted (yo también he abortado)’ and the men ‘I have also collaborated in a clandestine abortion (yo también he colaborado en un aborto clandestino)’. As an act of activism, it was immensely influential partially because of the personal nature of the petition itself and partially as a result of the people the feminists succeeded in getting signatures from.

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<sup>71</sup> “El Parlamento vasco no estudió el juicio contra 11 mujeres acusadas de prácticas abortivas,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 11 June 1981.

<sup>72</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007. “Imitamos a las francesas, que habían tenido un juicio cerca de París. Las imitamos porque lo que hicimos fue recoger firmas de personajes muy conocidos del mundo de la literatura, de la política, de la universidad, del mundo de la canción, del mundo de la intelectualidad”.

As Tarrow points out in *Power in Movement*, the presence of influential allies in a social movement is highly correlated with success rates, and Spanish feminists succeeded in gathering very important signatures.<sup>73</sup>

firmó gente importantísima pero importantísima...Ni te puedes imaginar. Rosa Montero...bueno, bueno, o sea todo el mundo. Y los varones—todos los diputados de la izquierda, todos, todos. Entonces publicamos en los periódicos eso.<sup>74</sup>

really, really important people signed it. You can't even imagine. Rosa Montero...well, everyone. And the men—all the congressmen from the left—all of them. So we published it in the newspapers.

The MFE did get the petition published in the newspapers; in fact, *El País* did an entire spread on the trial.<sup>75</sup> The public nature of the entire Bilbao campaign was crucial to not just the ultimate success of the individual campaign since, but to the overall feminist campaign for the right to abortion.

Through the trial, Spanish feminists were able to take a topic which had previously been considered a taboo and gradually bring it into society as an issue to be under political consideration and a legitimate conversation piece. Some of the effects the MFE had on public opinion are more obvious and can be seen as direct consequences of their efforts in Bilbao, such as the debate regarding the logistics of the trial which I discuss below. Others, however, resulted from a longer process of waging a struggle to influence public opinion and shift the general Spanish perspective on abortion.

One of the immediate consequences of the MFE's campaign was the debate over an open or closed door trial for the eleven women. Originally the 11 women

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<sup>73</sup> Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics*, Second Edition (Cambridge, UK: Cambridge University Press, 1998), 79.

<sup>74</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

<sup>75</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

asked for a closed door trial. Following two years of intense mobilization and continuous shows of support and solidarity on the part of the different factions of the MFE, they decided to petition for a public trial.<sup>76</sup> Initially the court president had been more or less indifferent to their request, but when, just two years later, the Bilbao women requested an open door trial, he had an adverse reaction. The situation had reversed in a mere two year period. By 1981, both parties understood how integral a role public opinion would play in the trial and wanted to control for that variable. The women knew that allowing the public to enter into the scene as an audience would serve in their favor. Likewise, César González Herrero, the court president, recognized that a public trial would be detrimental to a) maintaining an orderly atmosphere within the court and b) keeping political sentiments that were rising in favor of the women from interfering. For these reasons, predominantly, he denied their petition and insisted upon a closed door trial.<sup>77</sup>

By publishing the petition in the newspaper and protesting across the country, Spanish feminists were demonstrating that their goal for success was through reaching out to the public rather than only by protesting through the more traditional and institutionalized political paths. Thus, public opinion regarding abortion was forming as a direct result of the trajectory of the trial. Almost immediately after the trial in Bilbao, reform of the abortion law was put on the table during the parliamentary debates.

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<sup>76</sup> Paxto Unzueta, "El juicio de Bilbao por presuntas prácticas abortivas será a puerta cerrada," El País, <[www.elpais.com/global](http://www.elpais.com/global)> 13 June 1981.

<sup>77</sup> Ibid.

## The Period of Unintended Activist and State Collaboration (1983-present)

Since 1975 the major schisms in the feminist movement had been contained within the activist movement; however, in 1983 the socialist party created an institutionalized feminist agency within the government. The Instituto de la Mujer (IM) was created to be a branch of the government dedicated to women's issues; members of the feminist movement were not included during any part of its development.<sup>78</sup> Given activists' deeply ingrained mistrust of government institutions, the relationship between the state feminists in the IM and the activist feminists in the movement were strained from principle. However, both types of feminists prioritized the same goals during the 1980's and, though they approached their aims with different tactics, they were fighting for similar demands. Despite the rift that was later deepened by collaboration refusals, activist and state feminists were simultaneously working on the same projects. This unintentional collaboration was responsible for the ultimate success of the feminist movement, as I will develop in Chapter Four.

This periodization of the Spanish feminist movement breaks from the traditional interpretation by recognizing the strength of the movement. Duran and Gallego identified the Jornada in 1979 as the beginning of the end for the MFE. However, as I illustrated above, the third period was perhaps the most vibrant for the movement. The Bilbao campaign represented a structural transformation in the MFE. It also demonstrated the movement's strength since the various factions were able to

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<sup>78</sup> Celia Valiente, *El feminismo de estado en España: el Instituto de la Mujer, 1983-1994* (Madrid: Centro de Estudios Avanzados en Ciencias Sociales, 1994), 10.

work simultaneously and successfully on a shared project despite their deep divisions. Following the campaign, the socialist party first proposed their abortion reform law. In the next chapter, I will discuss the parliamentary process of decriminalizing abortion in Spain.



## Chapter Three: Decriminalizing Abortion

Abortion as a political issue was broached during three separate parliamentary debates from 1975-1986. In this chapter, I am going to discuss the process of decriminalizing abortion in the Spanish Parliament by examining the first two debates; the third one, which discussed the passing of the Royal Decree, I will examine in the next chapter.

The first important mention of abortion in parliament was during the constitutional project in 1977. As I mentioned in the last chapter, there was a debate over whether or not to include the right to abortion and divorce in the constitution. Ultimately, the fathers of the constitution decided against their inclusion; however, they did resolve to incorporate a line which read “every person has the right to life”.<sup>79</sup> The wording of this line, specifically the phrase “every person”, was fraught with controversy.

Fraga, the leader of the opposition party at the time—Alianza Popular (the party that would later become el Partido Popular, the main conservative party in Spain)—led a fight to change the wording of the line so it read “all” instead of “every person”. He was ultimately successful and the line was reworked to read “all have the right to life”. This change was vital, for “all” would protect the fetus, which Fraga understood.<sup>80</sup>

The parliamentary debates were mostly dominated by men. However, Carlota Bustelo, the first director of the Instituto de la Mujer, and a deputy in the socialist

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<sup>79</sup> Belén Barreiro, Democracia y conflicto moral la política del aborto en España e Italia (Madrid: Istmo, 2000), 102.

“Todos tienen derecho a la vida y a la integridad física y moral”.

<sup>80</sup> *Ibid.*, 103.

party was an active, feminist member of the Parliament during the constitutional debates. Ana Prata, after examining the role of women's issues and women's voices in parliamentary debates, notes that Bustelo and her few counterparts were "more representative of the exception than the rule in Spanish Parliament", for "women's groups, women's struggles, and women's bodies, were almost absent from the parliamentary debates on abortion".<sup>81</sup> Furthermore, as I discussed in the previous chapter, activist feminists were not involved in the actual constitutional process, despite promises of inclusion.

After being excluded from the constitutional debates, feminists in the *Movimiento Feminista Español* (MFE) abstained from voting as a unified movement for or against the constitution. The decision to abstain was mostly a result of Fraga's wording switch. The MFE was unable to come to a unanimous vote on the constitutional project and opted instead to vote as individuals. Several groups within the movement voted against the constitution specifically because of the implications of the word "all".<sup>82</sup>

The next time abortion was broached as a parliamentary subject it was in 1983—the year after the socialist party, *el Partido Socialista Obrero Español* (PSOE), won the majority for the first time, which signaled the end of the democratic transition in Spain. It was also the year after the trial of the eleven Bilbao women.

The PSOE had not included abortion reform as part of their party platform in previous elections; however, in 1982 they switched their tactics and presented a reform bill. Since the party was comprised partially of people who supported a broad

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<sup>81</sup> Ana Prata, *Women's Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988)* 2007, 155.

<sup>82</sup> *Ibid.*, 173.

liberalization of abortion and partially of people who took a more restricted approach, their reform bill “was part of their overall strategy to convert the PSOE into a moderate catch-all party capable of achieving power”.<sup>83</sup> When it worked and they won the majority, they were bound by their constituents to at least pursue a modest reform on the Penal Code.

Thus, in 1983 the PSOE proposed a decriminalization of ethical, therapeutic, and eugenic abortion. “Supporters of the decriminalization of abortion argued that, since abortions would be performed no matter what the laws said, it was reasonable to adapt the law to this social reality”.<sup>84</sup> The abortion reform bill was initially successful, mostly due to the PSOE majority in the Parliament, which allowed them to move the bill through both the Congress of Deputies and the Senate with very few problems.<sup>85</sup>

However, support for the decriminalization was not widespread. Rather, no political party was strong enough to modify the bill’s content through parliamentary debate.<sup>86</sup> Thus, José María Ruiz Gallardón, the leader of the conservative party after Fraga, formulated the opposition into an appeal to the Constitutional Court. The conservatives based the foundation of their argument on the change of wording Fraga had secured during the constitutional project. The phrase “all” became the basis of the conservative fight against improved abortion legislation.

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<sup>83</sup> Celia Valiente, “Gendering Abortion Debates: State Feminism in Spain” in Abortion Politics, Women’s Movements, and the Democratic State: A Comparative Study of State Feminism, ed. Dorothy McBride Stetson (Oxford: Oxford University Press, 2001), 232.

<sup>84</sup> *Ibid.*, 233.

<sup>85</sup> *Ibid.*, 234.

<sup>86</sup> Ana Prata, Women’s Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988) 2007, 173.

The bill was delayed in the Constitutional Court for over a year and a half before a decision was finally made. Then, on April 11, 1985, the Court ruled that the bill was unconstitutional since it was the State's responsibility to protect the fetus, and the proposal fell short of accomplishing that duty.<sup>87</sup> The Constitutional Court had stated that in order for the bill to become constitutional, certain revisions would need to be made. Most importantly, the scope of abortion practice had to be restrained. The new bill had to require that only authorized private or public centers could perform abortions.<sup>88</sup> The second modification was the requirement of a medical report for therapeutic and eugenic abortions to verify their necessity and legality. This clause was stipulated in order to protect the life of the fetus.<sup>89</sup>

After incorporating the above revisions into their abortion reform bill, PSOE returned to the parliamentary debates. This time the conservative party decided not to appeal to the Constitutional Court; instead, the representatives allowed the proposal to continue. The 1985 Abortion Act was enacted on July 5<sup>th</sup>; it decriminalized abortion on the grounds of physical and mental health of the woman (therapeutic), malformation of the fetus (eugenic), and rape (ethical).<sup>90</sup>

Although the conservatives were at a distinct minority in the Parliament, they held power over the socialists since they could technically continue to bring the bill in front of the Constitutional Court and thus delay it indefinitely. This leverage allowed

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<sup>87</sup> Ana Prata, Women's Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988) 2007, 174.

<sup>88</sup> Celia Valiente, "Gendering Abortion Debates: State Feminism in Spain" in Abortion Politics, Women's Movements, and the Democratic State: A Comparative Study of State Feminism, ed. Dorothy McBride Stetson (Oxford: Oxford University Press, 2001), 235.

<sup>89</sup> *Ibid.*

<sup>90</sup> "Ley orgánica 9/1985, de 5 de julio, de despenalización del aborto en determinados supuestos" accessed on Observatori de Bioètica i Dret: Parc Científic de Barcelona's site <[http://www.pcb.ub.es/bioeticaidret/archivos/norm/Ley\\_Organica9-1985.pdf](http://www.pcb.ub.es/bioeticaidret/archivos/norm/Ley_Organica9-1985.pdf)> (2008)

the conservatives to imbue the new law with a couple of their own obstacles. Their main obstacle, and certainly the one that has had the most long-lasting and damaging effects, was the inclusion of the conscience clause. Due to the efforts of the conservative party, the month following the approval of the 1985 Abortion Act, the Ministry of Health and Consumption publicized a very broad version of the conscience clause, which stated that “health personnel, without giving concrete reasons, could refuse help in abortion cases pertaining to any of the three grounds”.<sup>91</sup> As I will discuss in the next chapter, the conscience clause is almost entirely responsible for the dearth of abortions performed in public hospitals.

The second obstacle the Alianza Popular created was the establishment of assessment committees. The committees were comprised of five members all from within the health profession who were required to be present during the entire process leading up to an abortion.<sup>92</sup> Their job was to ensure that the law was being implemented accordingly. They were knowledgeable in the particulars of the law and capable of dispensing advice at any point in the process; however, it was also within their duty and part of their responsibility to report any actor who was not strictly abiding to the intention of the law.<sup>93</sup>

Thus, the decriminalization of abortion in Spain faced many serious adversaries before and directly after it was legally considered. The switch in phrasing from “every person” to “all” in 1977, which led to the abstained unified vote of the MFE, allowed for the conservative party to challenge the socialist’s abortion reform

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<sup>91</sup> Celia Valiente, “Gendering Abortion Debates: State Feminism in Spain” in Abortion Politics, Women’s Movements, and the Democratic State: A Comparative Study of State Feminism, ed. Dorothy McBride Stetson (Oxford: Oxford University Press, 2001), 238.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

bill as unconstitutional in 1983 and hinder the accessibility of abortion after the passage of the bill.

Even though activist feminists played no role in parliamentary debates, state feminists did have at least minimal political access. Still, the major actors and agents were predominantly male.<sup>94</sup> Part of the reason for the male dominance in the debates was the fact that men greatly outnumbered women in the Parliament, and they especially outnumbered feminist women.

The 1985 Abortion Act was not a legalization of abortion. The Penal Code still defined abortion as a crime, and people who did not adhere to the limitations of the law could be punished. The abortion law was a decriminalization on three specific grounds. Abortion was allowed when one of the three indications was present. Access to abortion was limited by two considerable obstacles established by the conservative party in order to further hinder its scope, the conscience clause and the assessment committees. However, despite the limited intentions demonstrated by the law and the strict enforcement represented by the conscience clause and assessment committees, a different reality unfolded in Spain. In the next chapter I will discuss the shifting trends in the implementation of the abortion law.

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<sup>94</sup> Celia Valiente, "Gendering Abortion Debates: State Feminism in Spain" in Abortion Politics, Women's Movements, and the Democratic State: A Comparative Study of State Feminism, ed. Dorothy McBride Stetson (Oxford: Oxford University Press, 2001), 235.

## Chapter Four: Inadvertent Collaboration

This chapter explores the impact of the relationship between the state feminists in the Instituto de la Mujer and the activist feminists within the MFE. I begin by discussing the dual and conflated phenomena of a decrease in police raids on private abortion clinics and an increase in the gradual acceptance of clinic activity. After examining and rejecting two possible hypotheses to explain the marked decline in raids that began post-1986—the passing of the Royal Decree and the decline of religiosity—I will argue that it is the interplay of the two, distinct feminist entities that are instead responsible for the diminution in police interference and the increase in the public’s willingness to allow clinic activity.

The Penal Code determined punishments for crimes related to abortion. Women who aborted and the people who aided them in that process usually faced the potential of up to six years in jail.<sup>95</sup> Though the 1985 Abortion Act was a legal liberalization of the Penal Code, the decriminalization of abortion did not serve to drastically alter the status of abortion in Spanish society. The arrests continued. Raids have occurred in both private clinics and public hospitals. A 1990 trial condemning doctors at a public hospital in Pamplona for an abortion performed in 1986 has resulted in the nonexistence of abortion providers in public or private centers in the entire community of Navarra.<sup>96</sup>

In my research, however, I am focusing on raids performed in private clinics. The vast majority of abortions has been and still is performed in private clinics, which

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<sup>95</sup> Ana Prata, Women’s Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988) 2007, 139.

<sup>96</sup> Coordinadora Estatal de Organizaciones Feministas de Estado español, Interrupción voluntaria del embarazo: El derecho de las mujeres a decidir (Madrid: Coordinadora Estatal de Organizaciones Feministas, 2007), 15.

I will explain below. Furthermore, private clinics have been the locations of evolving abortion practice. The original law in 1985 specified that abortions could only be performed in the strictly authorized centers, but the Royal Decree passed in 1986, which I will explore in further detail in this chapter, expanded access and allowed private clinics to gain authorization by permitting them to perform low risk abortions, or up to 12 week's gestation. The decree also eliminated the assessment committees. Without the established supervising body, clinics were permitted to develop a more lenient stance regarding the law.

The majority of abortions currently are performed in private clinics rather than public hospitals. In fact, in 2007 only 2.9% of all abortions were performed in public hospitals. One of the main reasons for this disparity is the effect of the conscience clause, which I broached in the last chapter. The strikingly low number of abortions performed in public hospitals is a testament to the drastically high percentage of doctors whom are conscience objectors. In many areas it is difficult to find doctors who are not objectors. It is an issue across Spain, from Alicante where everyone is a declared objector to Alcalá de Henares in Madrid where abortions can only be performed before 12 week's gestation because the anesthesiologist is an objector to Ibiza and Menorca where everyone is an objector to Cantabria where of the fifty doctors who specialize in gynecology in the three public hospitals, only five will perform abortions.<sup>97</sup> The pervasiveness of the conscience clause has severely limited, and continues today to limit, access to abortion in the public sphere.

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<sup>97</sup> Coordinadora Estatal de Organizaciones Feministas de Estado español, Interrupción voluntaria del embarazo: El derecho de las mujeres a decidir (Madrid: Coordinadora Estatal de Organizaciones Feministas, 2007), 46.



In this chapter I will trace the incidence of raids and arrests at private clinics as well as the trajectory of the shifting public opinion in Spain regarding abortion. I will argue that it was neither the Royal Decree in isolation nor the declining Catholic influence on Spanish social and political affairs that impacted police interference in clinic activity and shifted public opinion. Instead, I will discuss the role of both the state and activist feminists in the promotion of abortion to a national issue, the drafting and ratification of the Royal Decree, and the shift of public support on the issue.

### A Study of Police Raids

The incidence of raids represents the attempt to control clinic activity and enforce a strict interpretation of the law. When the trend in raids shifted, it was paralleling a greater shift in societal views toward clinic activity. Knowledge, or a suspicion, that clinics were not abiding by the 1985 Abortion Act became a police matter. Clinic activity in Spain was monitored by the police whenever there were doubts that said clinics were implementing their own version of the law. This supervision became more difficult following the elimination of the assessment committees; however, tip-offs from anti-choice groups and reports from patients were two avenues for action that bolstered the suspicion of a police officer or judge.

Using *El País*, I tracked police raids at private abortion clinics across Spain from 1986-2006. I began my analysis in 1986 rather than 1985, for during my research I noticed that the raids really did not begin in their full intensity until 1986. I conducted my study by searching for articles recounting police raids or arrests made

at abortion clinics. I divided these incidents into two main categories—major raids and minor raids. I define a major raid as either a raid that resulted in the arrest of, at the very least, over ten people at a time or, adversely, a highly publicized raid or arrest. A minor raid, on the other hand, usually involved the arrest of anywhere from a single person to a few people but was not a calculated event. There are drawbacks to this line of research. *El País*, though a leading publication in Spain, did not flawlessly cover all major and minor raids over this time period. Still, there were a multitude of articles referencing different raids. Incidence of police raids at abortion clinics is not yet a topic that has been explored very deeply.

Even with the potential flaws of this methodology, distinct trends became quickly clear. A decreasing trend in major raids can be traced starting in what was the most tumultuous year—1986. The minor raids, however, persisted for another decade before a lull set in. In this section I am going to discuss the seven major raids to show the persistent police interference in private clinics. In all of these raids, private clinics were providing abortions for reasons that were not stipulated by the law. The raids were not only a form of punishing the individual clinics that had overstepped their legal boundaries; rather, the raids were designed to intimidate other clinics into complying with the law.

The first raid I am going to discuss took place in September of 1986 when the police entered the medical center Canalejas in Salamanca. They arrested everyone who worked at the clinic, which added up to nine people, as well as all twenty women waiting there. The director, Rafael Jesús Fiel, was released after meeting the bail of 10 million pesetas; however, he was quickly arrested again with an unconditional

sentence under the assumption that he had performed 3,000 abortions, the medical records for which he refused to give up—an act which also led to his arrest.<sup>98</sup> His wife, Marcelina Martín, who likewise worked at the clinic, later confessed to performing 800 abortions.<sup>99</sup> Hilario Muñoz Méndez, the judge in charge of this case, decided not to prosecute the 3,000 women who had aborted at Canalejas—women whose names he had taken from the seized medical records.<sup>100</sup> Soon after throwing out the prosecutions of the 3,000 women, he prosecuted five more of the nine clinic employees—two doctors, one psychologist, a nurse, and the clinic auxiliary.<sup>101</sup>

On November 5, 1986 there was a police raid on a clinic in Málaga during which more than thirty people were arrested, including the gynecologist and clinic owner Germán Sáenz de Santamaría, who happened to be the nephew of the ex-director of the Guardia Civil.<sup>102</sup> The clinic had previously been under investigation and its phone lines tapped.<sup>103</sup> Sáenz de Santamaría himself had already been arrested and provisionally released on bail for performing illegal abortions three times in Málaga when he was arrested.<sup>104</sup> Immediately after his arrest, he began a hunger

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<sup>98</sup> “Procesadas las secretarias de la clínica de Salamanca donde se practicaban abortos,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 15 October 1986; M. Del Mar Rosell, “El juez ordena la prisión del gerente de una clínica de Salamanca por no facilitar fichas de abortos,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 4 October 1986.

<sup>99</sup> “Procesados cinco empleados más de la clínica abortista salmantina,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 10 October 1986.

<sup>100</sup> “Las más de 3.000 mujeres que abortaron en Salamanca no serán procesadas,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 17 October 1986.

<sup>101</sup> “Procesados cinco empleados más de la clínica abortista salmantina,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 10 October 1986.

<sup>102</sup> José A. Frías, “Miembros del PSOE pagan la fianza de las 11 detenidas en Málaga por abortar,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 7 November 1986.

<sup>103</sup> Ibid.

<sup>104</sup> José A. Frías, “Detenido el personal de una clínica de Málaga acusado de practicar abortos,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 6 November 1986.

strike along with several other clinic doctors who had been arrested.<sup>105</sup> Sáenz de Santamaría confessed to having performed 4,000 abortions, which were said to have been mostly for socioeconomic reasons.<sup>106</sup> Throughout his trial, he continuously made a point of expressing his reasons for providing abortions to women.

Two days before the approval of the Royal Decree, there was a raid at the two most prominent clinics in Madrid, Dator and Duratón, and at a smaller clinic owned by Eduardo Cubillo. Due to a judicial order, all of their telephone lines had been under surveillance for months preceding this event. The police arrested thirty-nine people in total, among them gynecologists, nurses, and other clinic workers as well as all the women at the clinics.<sup>107</sup> All the medical records and forms were seized along with a charge account from the clinic Duratón. About a week later all the centers that provided abortions in Madrid shut down in protest of the raids and arrests. The protest focused on the seizure of clinic histories, which the workers saw as a violation of the client's privacy.

The Royal Decree was approved just a couple days after the raids in Madrid. Yet, the major raids did not cease with that piece of legislation. The next raid in my analysis was in June of 1991 when there was a judge-led raid at the family planning center Progin in Valencia.<sup>108</sup> As a result, sixteen women were arrested as well as two gynecologists, one psychologist, an auxiliary, and a social worker. All the clinic

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<sup>105</sup> José A. Frías, "Un nuevo juez se hace cargo del proceso de los abortos en Málaga," El País, <www.elpais.com/global> 15 November 1986.

<sup>106</sup> José A. Frías, "El ginecólogo detenido en Málaga se declara autor de 4.000 abortos," El País, <www.elpais.com/global> 8 November 1986.

<sup>107</sup> "El juez ordenó la detención de 39 personas en Madrid 'por varios delitos de aborto'," El País, <www.elpais.com/global> 21 November 1986.

<sup>108</sup> Sara Velert, "16 mujeres y 5 empleados de una clínica serán juzgados por abortos realizados en 1991," El País, <www.elpais.com/global> 29 February 1996.

histories were seized.<sup>109</sup> Private clinics had been authorized to perform abortions for almost five years at the time of this raid. The judge was motivated to lead the raid because a 16 year old woman who had attended the center had to be transferred to a hospital due to a perforation in her uterus. It was not until five years later that those arrested were actually tried.<sup>110</sup>

The following year in Valencia two doctors, Josep Lluís Carbonell and Javier Vives, were charged with crimes of abortion.<sup>111</sup> They were arrested for not following the established restrictions of the Abortion Act. Carbonell and Vives responded to their arrest in defiance by participating in a strike similar to the one that occurred in Madrid around the raids at Dator and Duratón and by openly working without filling out the necessary government forms—an obvious act of disobedience.<sup>112</sup>

This is the last major raid in my analysis. The noticeable decrease that follows marks a shift in the enforcement of the abortion law. Though clinic workers continued to employ their own interpretations, they were no longer facing the same magnitude of threats as they had previously. The police were no longer consistently interfering with clinic activities.

### Turning a Blind Eye

As was illustrated in the cases above, many clinic doctors had taken interpretation of the abortion law into their own hands since its ratification. However, as the years went on and the incidence of major raids at abortion clinics decreased, it

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<sup>109</sup> Sara Velert, “16 mujeres y 5 empleados de una clínica serán juzgados por abortos realizados en 1991,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 29 February 1996.

<sup>110</sup> Ibid.

<sup>111</sup> Valencia L. Garrido, “Los médicos condenados por aborto califican la sentencia de ‘política’,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 27 November 2001.

<sup>112</sup> Ibid.

became well understood that clinics were implementing their own version of the 1985 Abortion Act. Celia Valiente states that by 2007 in Spain “the mental clause [was] a proxy for abortion on demand”.<sup>113</sup> In order to abort in a private clinic under the mental health clause in Spain, a woman must first pass before a clinic psychiatrist who will interview her and determine whether or not she meets the criteria. If the psychiatrist decides after the interview that she falls within the mental health clause, then he, she, or ze will sign a form which is archived and the woman is allowed to legally abort.<sup>114</sup>

Psychiatrists, however, work for the clinics. They choose to enter into that specific type of practice and though, technically they have the final say in whether or not a woman fits within the mental health clause, the clinic clearly has an agenda and psychiatrists are part of that process. Clínica Dator, one of the most prominent clinics in Madrid, uses the slogan ‘You Decide’, and the only real reason they will turn away a woman is if she is past 22 week’s gestation.<sup>115</sup> Luisa Torres, a social worker at Clínica Dator, describes the law as “something that permits the woman to freely decide about her maternity and her body...This is what the law means to me”.<sup>116</sup> Even though Santiago Sanchez, a psychiatrist for Clínica Dator, confesses that it isn’t really ‘You Decide’ but more, you decide within the law, he adds that “when the law passed here there were political forces that made getting a better law, a more permissible law, harder”. The law today in Spain is antiquated because “for a while

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<sup>113</sup> Celia Valiente, interview by author, Madrid, Spain, spring 2007.

<sup>114</sup> Luisa Torres, interview by author, Madrid, Spain, spring 2007.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

“Algo que permite elegir a la mujer de forma libre de su maternidad y de su cuerpo...Eso es lo que, para mí, significa la ley”.

now, sociologically, we [in Spain] have changed how we perceive abortion”.<sup>117</sup> Thus, the interpretations of the clinic serve to bridge that gap by allowing for a more progressive law through their laxity.

Clinics use the mental health clause to cover abortions that they would not be able to justify otherwise. As Ana Prata explains, “Most cases officially registered as abortions performed on the ground of physical and mental health of the mother are in reality performed on socioeconomic grounds, which is a type of abortion not permitted by law”.<sup>118</sup> Moreover, this practice is quite widespread. In 2005, out of the 91,664 abortions that were performed, 97.1% of these abortions took place in the private sphere, and, on top of that, an overwhelming 97% of this total was registered as therapeutic abortions.<sup>119</sup> As Valiente noted above, the mental health clause has, in many ways, allowed for de-facto abortion on demand.

This is not to imply, however, that abortion in Spain is simply a matter of volition—it is still necessary to pass before a psychiatrist to prove one’s case. When a woman comes to Clínica Dator, passes before Santiago Sanchez, and states that it is not the time in her life at that moment for her to have a child, he will ask her two basic lines of questions. First, how she felt when she discovered she was pregnant. Then, how she felt when she thought she could abort. If the woman was anxious, sad, or depressed upon the news of her pregnancy and the thought of being able to abort

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<sup>117</sup> Santiago Sanchez, interview by author, Madrid, Spain, spring 2007.

“...cuando la ley salió aquí había una correlación de fuerzas políticas que no era fácil conseguir una ley mayor, de mayor permisibilidad. De hace unos años, sociológicamente, ha cambiado como se percibe aborto”.

<sup>118</sup> Ana Prata, Women’s Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988) 2007, 194

<sup>119</sup> Coordinadora Estatal de Organizaciones Feministas de Estado español, Interrupción voluntaria del embarazo: El derecho de las mujeres a decidir (Madrid: Coordinadora Estatal de Organizaciones Feministas, 2007), 45 and 33.

relieved those emotions, then, in the mind of Santiago Sanchez, that woman fits the criteria for the therapeutic abortion.

During my time interviewing at Clínica Dator, I had the opportunity to accompany a woman to her ultrasound and interview. The ultrasound was done quickly and solely in order to ascertain gestational age, unlike in the United States when the ultrasound has been utilized in order to dissuade women from aborting. Next she had her interview with Santiago Sanchez. After obtaining quick facts about her date of birth, address, and other small details, he asked her how she had felt when she discovered she was pregnant and then upon learning she could abort. Next he questioned her about her partner status, the stability of her employment, if she had any children, and whether she had ever aborted before. Sanchez asked if being pregnant would have a negative effect on her relationship, her employment, or her parenting. The woman responded, calmly, that she believed it would. He did not question any further. Sanchez did note, however, how calm she was about the whole process and questioned her about the nature of this tranquility. The woman responded that she had given abortion a lot of thought and knew that it was the right decision for her. After making sure she had not been coerced into coming to the clinic, Sanchez signed the form.

That interpretation of the abortion law is significantly more liberal than the original implementation. In fact, many of the raids I discussed in the previous section were carried out against clinics practicing abortions according to interpretations like the one at Clínica Dator. For instance, when Carbonell and Vives employed a similar interpretation in their clinic in Valencia in 1992, they were both arrested. However,



by 2007, it was accepted that clinics operated under that liberalized understanding of the law. Yet, even though it is understood that clinics implement such an interpretation, there has not been a major raid in Spain since 1992. Eventually society's opinion toward abortion clinics shifted. Despite increasingly liberal interpretations of the 1985 Abortion Act, the police raids decreased to a more manageable level. As society came to accept or at least turn a blind eye to the abortion clinics, there was less pressure to interfere with their activity.

The more the Spanish people were motivated to turn a blind eye to the practice of abortion, the fewer major raids occurred. By 2007 clinics no longer hid their agendas; for example, the slogan of Clínica Dator, 'You Decide', speaks clearly and openly as to their position on abortion politics. Whether or not turning a blind eye was related to the acceptance of abortion as a woman's right, it was clear that a marked shift in what society would permit in regards to abortion had occurred. By spring of 2007, there had been a transformation in the nature of police intervention. It was no longer a constant or assured threat.

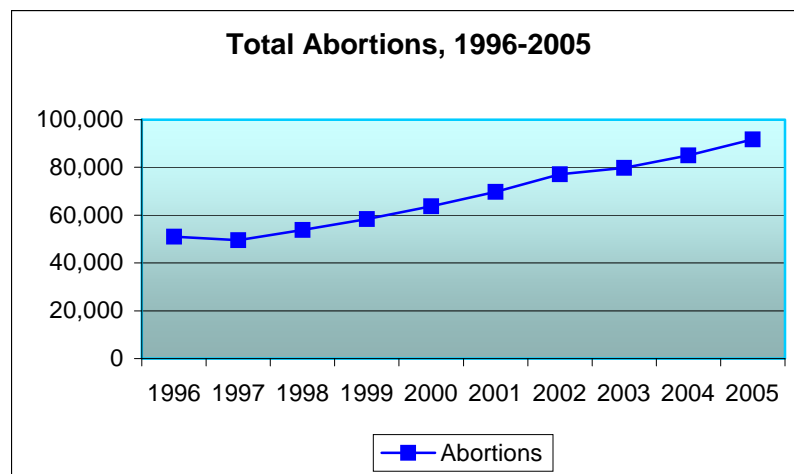
## Debunking Alternative Explanations

Almost two decades after the passing of the abortion law and the ratification of the Royal Decree, which facilitated access to abortion, the intensity and constancy of police interference with clinics had decreased significantly even though the clinics were blatantly not adhering to the legislation. There were really two phenomena occurring simultaneously: the decreasing trend in major police raids on abortion clinics and society's increased acceptance of the abortion clinics. Hypothetically, the police raids could have decreased because clinics actually stopped performing

abortions, thus voiding the necessity of the raids altogether. This explanation, however, is clearly not true based on all of my other data, specifically my work at Clínica Dator where abortions were performed on a daily basis. In fact, since 1996, the year that a more pronounced lull in major raids was seen, the number of abortions has increased significantly. Figure 1 charts the proliferation of total abortions performed in Spain from 1996-2005 according to the annual study put out by the Ministry of Health and Consumption.

It is clear from the continuing prevalence of abortions in Spain that the police raids did not stop because no further illegal activity was occurring. Instead, the two explanations I am primarily going to discuss focus on Spain's legislative change and Catholic history. As was illustrated in the above section on police intervention, the number of major raids decreased significantly after 1986. The Royal Decree was also approved in 1986. Logically, the concurrence of these two events cannot be ignored. Similarly, the fact that Spain is a historically Catholic country and that the Catholic Church is fervently opposed to abortion must likewise be considered relevant.

**Figure 1**<sup>120</sup>



<sup>120</sup> Ministerio de Sanidad y Consumo, Interrupción Voluntaria del Embarazo: Datos definitivos correspondientes al año 2005, (Madrid: 2006), 20.

### *The Royal Decree*

One possible counter explanation for the decrease in clinic raids and arrests is that the Royal Decree was entirely responsible. The decree not only improved access to abortion by facilitating the authorization of private clinics, but it abolished the assessment committees. Without the assessment committees, clinics were more in control of their own activity and thus capable of pursuing their own interpretations. The year 1986 was the most tumultuous period for clinics, but after the approval of the decree in November of that year, the incidence of major raids on abortion clinics dropped.

However, while there were markedly fewer major raids after 1986, there still were smaller instances of arrests at abortion clinics until the mid-1990s. For example, in November of 1987, three women were prosecuted for aborting in Salamanca<sup>121</sup>; in June of 1991, two doctors were arrested for performing an abortion in Barcelona<sup>122</sup>; in January of 1993, a father was arrested for presumably pressuring his daughter (according to the mother of her boyfriend) to get a legal abortion<sup>123</sup>; in February of 1994, a girl, her boyfriend, and both of their parents were all arrested after she admitted to having an abortion and receiving help from them<sup>124</sup>; in September of 1996, a woman and her husband were arrested after she legally aborted because of

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<sup>121</sup> “Tres mujeres están procesadas por aborto en Salamanca desde el pasado mes de julio,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 9 November 1987.

<sup>122</sup> “Declaran ante el juez los medicos detenidos en Barcelona por practicar un aborto,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 30 June 1991.

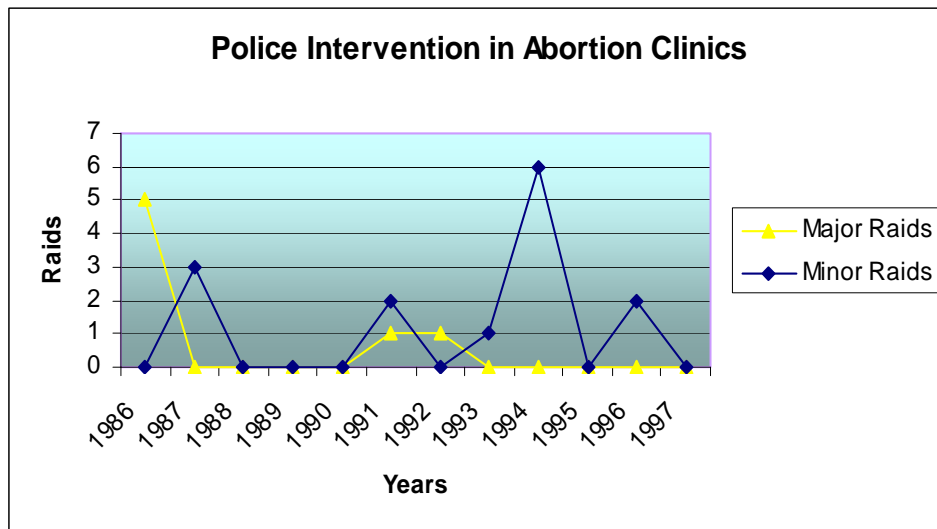
<sup>123</sup> Elianne Ros, “Policías municipales detienen a una menor y su padres tras aborto legal,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 30 January 1993.

<sup>124</sup> J. A. Hernández, “Un juez desvía a otro un caso de aborto con seis detenciones,” El País, <[www.elpais.com/global](http://www.elpais.com/global)> 18 February 1994.

grave risk to her physical and psychological health.<sup>125</sup> All of these were arrests that took place at private clinics post-1986, thus after the approval of the Royal Decree. The hypothesis that the Royal Decree changed the political landscape to eliminate prosecution of abortion clinics therefore does not hold up.

Figure 2 charts the incidence of major and minor raids from 1986-1996, when a more pronounced lull does begin. Though these minor raids do not compare in many ways to the major raids, their existence implies continued police intervention in clinics. Furthermore, these are only the cases covered in *El País*. There may have been more which were never covered in the papers.

**Figure 2**



Therefore, the denunciations and arrests did not stop right after 1986; they just began a process of diminution. If anything, the real lull began in 1996 and lasted until more recently, but the Royal Decree cannot explain this trend—a drop-off that occurred a decade after its passage. The Royal Decree was a one time policy change

<sup>125</sup> A.V.G., “La Guardia Civil detiene y lleva al juzgado a una mujer que había abortado legalmente en Granada,” *El País*, <[www.elpais.com/global](http://www.elpais.com/global)> 7 September 1996.

meant to facilitate access and implementation. Certainly, the decree had an immense effect, especially since it eliminated the assessment committees and, consequently, allowed the clinics autonomy in their decisions. However, not only can a decree passed in 1986 not be wholly responsible for the status of the abortion law in Spain two decades later when such a history of arrests and even interspersed major raids exists in the interim, but the history leading up to its passage likewise needs to be considered. I will engage with the process of its ratification later in this chapter.

### *Influence of Catholicism*

Spain is a Catholic country. In fact, no significant religious community other than the Catholic community has been openly active in Spain for the last four centuries.<sup>126</sup> The Catholic Church strongly opposes the practice of abortion on any grounds. Thus, it would make sense for Spain to be anti-abortion. The police raids and arrests in clinics could all be a result of a heavy Catholic influence. The decrease in police intervention as well as the increase in the acceptance of clinic activity could be explained by a decline in Catholic influence in Spain. However, secularization, the process of separating church and state which officially occurred during the transition, could not be responsible for this decline on its own. It would have to be coupled with a decrease in the religiosity of the Spanish people, for the separation of church and state does not necessarily influence the population's religiosity.

If it was the case that secularization occurred alongside a decrease in religiosity, it would make sense that the initial negative response to abortion clinics

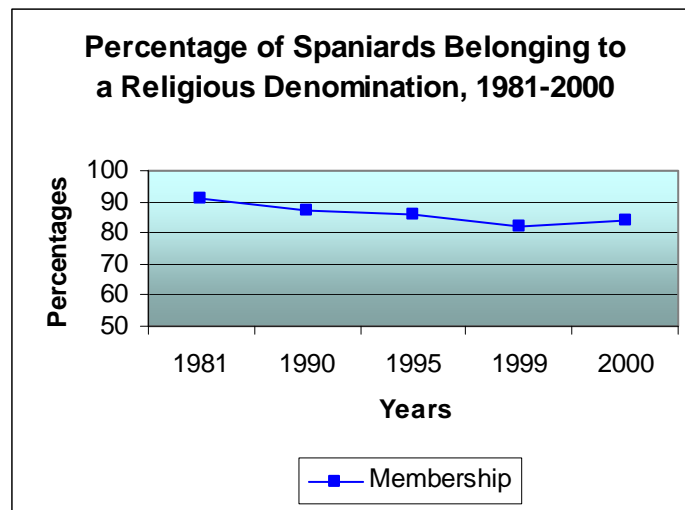
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<sup>126</sup> Celia Valiente, "Implementing Women's Rights in Spain," in Globalization, Gender, and Religion: The Politics of Women's Rights in Catholic and Muslim Contexts, ed. Jane H. Bayes and Nayereh Tohidi (New York: Palgrave, 2001), 107.

occurred. In 1985, Spain was still strongly under its Catholic influence and the politics of the country were deeply intertwined with its Catholic background. Then, as Spain became more of a secularized state and also slowly decreased its religiosity, not affording the same power to Catholicism, a gradual shift in the treatment of abortion followed. This logic depends on the assumption that secularization in Spain was concurrent with a decline in religiosity.

Spain became secular in 1978, but this reframing of the state did not translate into a decrease in religiosity. Figure 3 represents the percentages of Spaniards who consider themselves as belonging to a religious denomination, overwhelming Catholic.

**Figure 3**<sup>127</sup>



As the graph illustrates, the numbers have remained more or less steady since 1981 when 91.1% of the population ascribed to a religious domination. From 1981-2000, the percentage of the Spanish population that identified as religious remained mostly

<sup>127</sup> “The Value Surveys: Religious denomination” World Values Survey: The Worlds Most Comprehensive Investigation of Political and Sociocultural Change <[www.worldvaluessurvey.com](http://www.worldvaluessurvey.com)> (3 January 2008).

in the 80<sup>th</sup> percentile. The numbers demonstrate very well that in 2000 an overwhelming majority of the Spanish population continued to identify religiously.

Granted, identifying with a religion is different than actually practicing that religion, especially in a country with such a deeply rooted Catholic history. For this reason, it is important to also evaluate percentages of Spaniards who attend religious services. Figure 4 below depicts the religious attendance in Spain in the year 2000 according to a survey by the *World Values Survey* from 1981-2000.

In 2000, over two decades after Spain separated the church and state, a third of the population never or practically never attended religious services. It is certainly the selection that was, beyond a doubt, the most popular in the survey. For a Catholic country, it may seem striking that about a third of the population never or practically never attended services only twenty years after secularization. However, it is necessary to track these changes over time. In order to do this, I isolated the two most common selections—Never or Practically Never and Once a Week, which was the next most popular with just fewer than 20% of the population electing it in 2000—and traced their activity since 1981.

Figure 4<sup>128</sup>

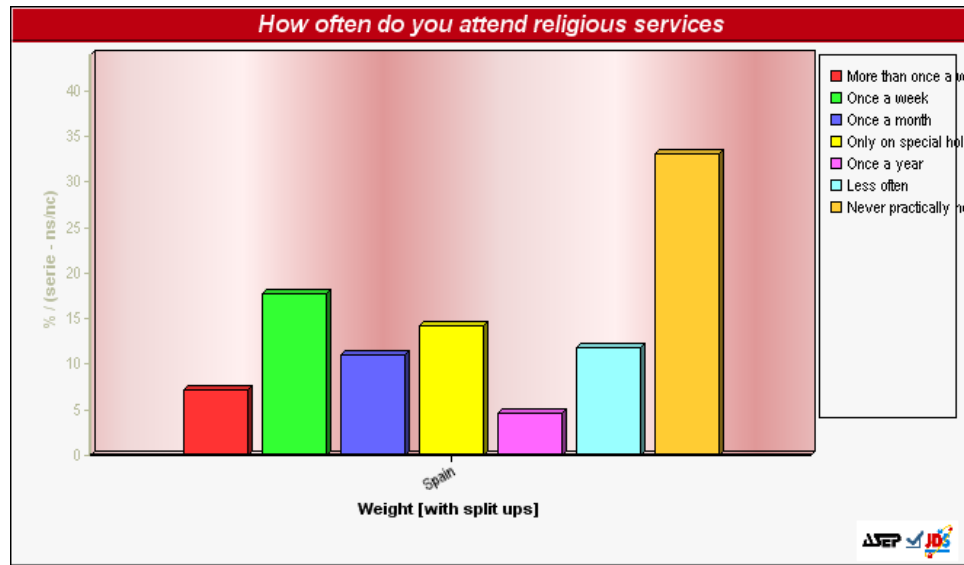
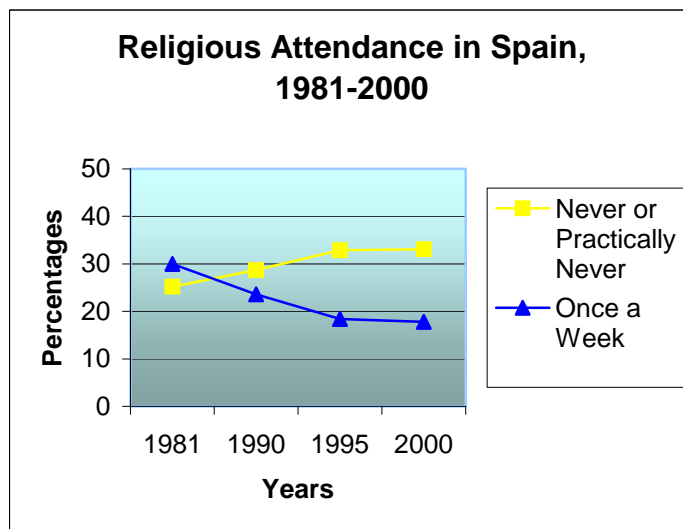


Figure 5<sup>129</sup>



In that time period, I found that there is a positive, increasing trend for the Never or Practically Never and a negative, decreasing trend for the Once a Week, as is demonstrated in Figure 5. In 1981, 25.2% of Spaniards never or practically never

<sup>128</sup> “The Value Surveys: How often do you attend religious services” World Values Survey: The Worlds Most Comprehensive Investigation of Political and Sociocultural Change <[www.worldvaluessurvey.com](http://www.worldvaluessurvey.com)> (3 January 2008).

<sup>129</sup> Ibid.



attended religious services and 30% attended once a week. The next time the survey was conducted, in 1990, 28.7% of Spaniards attended never or practically never and 23.6% once a week. Then in 1995, 32.9% of Spaniards never or practically never attended religious services and 18.4% attended once a week. At this point there is hardly any change as the numbers in 2000 are nearly identical with 33.1% attending never or practically never and 17.8% attending once a week.

Thus, in 1981, five years before the worst year in terms of raids on abortion clinics, a quarter of the Spanish population already never or practically never attended religious services. In almost two decades there has not been a very significant change in that percentage. When in 2000 a third of the population never or practically never attended religious services, it was not a tremendous leap in religious laxity. Instead, the decrease in religious attendance had been from a quarter of the population never or practically never going to a third. This lack of a considerable shift since 1981, three years after Spain became a secular state, suggests that Spain's secularization both did not translate into a real decrease in religiosity and was not the beginning of the gradual decrease that was taking place, as demonstrated by the Once a Week data. Instead, that decrease in religiosity must have begun long before the secularization. As I discussed in Chapter One, even though General Franco installed a Catholic dictatorship, by the second half of his regime, the Church was beginning to pull away from their role as staunch supporters of the regime. Likewise, the Spanish people were already beginning to shift in their strict religious beliefs.<sup>130</sup>

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<sup>130</sup> Celia Valiente, "Spanish Gender Equality Policy: At the vanguard of Europe?" (2006), 5.

Spain is still a Catholic country in many ways, which does not explain why there has been a shifting treatment of abortion since the initial passing of the law in 1985. As Celia Valiente points out, “The case of Spain illustrates that even when the overwhelming majority of the population declares itself Catholic, this does not necessarily mean that public policies reflect the views of the Catholic Church or that all or even a majority of the people subscribe to and adhere to Catholic doctrines”.<sup>131</sup> The changing trend in public opinion regarding abortion, though most likely not divorced from Catholic influence entirely, is not a direct result of Spain’s Catholic history or current identification.

Neither of the two alternative hypotheses I discussed can serve as a rational argument, for they are weakened by the existence of contradicting empirical data. There is no doubt that the Royal Decree played an important role in decreasing the incidence of major raids on abortion clinics. However, it cannot explain the continued existence of both major and minor raids for the next two decades following the decree. Most importantly, it is difficult to make an argument linking the passing of a piece of legislation to a shift in societal opinion regarding abortion politics.

Moreover, though a decline in Catholic influence certainly impacted public opinion on abortion, the decrease in religiosity and decrease in frequency of police raids did not correlate. The weaning of Catholic influence in Spain was a longer, gradual process that began much earlier and still has much further to go. The raids, on the other hand, had an obvious peak in 1986 and lull in 1996. There was an obvious shift in the acceptance of the less strict interpretation employed by clinics that

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<sup>131</sup> Celia Valiente, “Implementing Women’s Rights in Spain,” in Globalization, Gender, and Religion: The Politics of Women’s Rights in Catholic and Muslim Contexts, ed. Jane H. Bayes and Nayereh Tohidi (New York: Palgrave, 2001), 121.

occurred. Doctors were arrested in the 1980's and early 1990's for practicing abortions according to a more liberal interpretation of the 1985 Abortion Act but that same action later on, especially into the 2000's, was not cause for an arrest and certainly not for a raid. A great shift had occurred in perception and implementation of the law. Neither the passing of the Royal Decree nor any presumed decrease in religiosity can explain that shift.

## The Strength of the Spanish Feminist Movement

A rift has traditionally existed between state feminists (feminists who belong to bureaucratic or government agencies) and activist feminists (feminists who work outside the system). Typically, views on this complex relationship between women's agencies and feminism fall along two basic lines—there are scholars and feminists who believe that the creation of feminist bureaucracies only serves to marginalize the goals of feminist movements and then there are their counterparts who believe that institutionalized feminism gives feminists a powerful political voice they never would have had otherwise.<sup>132</sup>

When the IM was created, the same argument divided Spanish feminists. According to one line of thought, the women's agency offered a gateway to the political world for feminists by providing a designated space and audience within the government for feminist goals. On the other hand, activist feminists within the MFE were skeptical that a bureaucratic agency would actually be dedicated to true feminist ideals. As Dorothy McBride Stetson and Amy Mazur explain, "To many women's

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<sup>132</sup> Celia Valiente, "State feminism and gender equality policies: The case of Spain (1983-95)," in Sex Equality Policy in Western Europe, ed. Frances Gardiner (London: Routledge, 1997), 128.

movement activists, the idea that the state could further such a feminist agenda is problematic if not impossible”.<sup>133</sup> Feminists within a movement view an institutionalized feminist agency as a place of compromise that has been co-opted by the government, an entity that many activist feminists distrust. This difference of opinion has been the leading manner of theorizing the relationship between women’s agencies and feminist movements.

In Stetson and Mazur’s comparative study of state feminist agencies, they examined the relationship between women’s agencies and feminist movements and whether the former actually do achieve feminist goals. Stetson and Mazur concluded that:

While the radical feminist groups concentrated on consciousness-raising among women at the grass-roots level and thrust gender-based discrimination on to the public agenda, the moderate feminist groups directly pressured political party elites and politicians to establish and operate feminist women’s policy machinery. Thus, even though the two groups were in conflict, their combined influence set the stage for more effective state feminist offices.<sup>134</sup>

Stetson and Mazur do not include Spain as one of the countries in which this process occurred, for they did not believe the feminist movement was that influential.<sup>135</sup> Instead they rank Spain as a Type 2 country, meaning the state feminist agency had a high potential for influence in the formation of feminist policies yet a low policy access dimension.<sup>136</sup> Policy access measures the extent to which society-based actors, such as the feminist movement, affect feminist policies.<sup>137</sup> A low score on the policy access dimension means that feminist interests are not a priority to the state feminist

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<sup>133</sup> Dorothy McBride Stetson and Amy G. Mazur, “Introduction,” in Comparataive State Feminism, ed. Dorothy McBride Stetson and Amy G. Mazur (California: Sage Publications, 1995), 2.

<sup>134</sup> Dorothy McBride Stetson and Amy G. Mazur, “Conclusion,” in Comparataive State Feminism, ed. Dorothy McBride Stetson and Amy G. Mazur (California: Sage Publications, 1995), 290.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid., 286 and 277.

<sup>137</sup> Ibid., 274.

agency.<sup>138</sup> Thus, a Type 2 country does not have a feminist movement strong enough to impact the type of issues addressed by the state feminist agency.

However, they were basing their analysis off of Duran and Gallego's study of Spanish feminism which labeled the movement as weak after the 1980's. In this section I will argue that Spain does fit the above model described by Stetson and Mazur and therefore the gradual, quiet acceptance of abortion which led to the decrease in police raids was the sum of the concurrent efforts of both state and activist feminists.

Feminism in Spain has never been free of factions. As I discussed in Chapter Two, right at the conception of the movement a major schism erupted between double militant and single militant feminists that was never resolved. In 1983, when the Instituto de la Mujer (IM) was created by the Partido Socialista Obrero Español (PSOE) to be a feminist agency within the government, a new division formed. Though the MFE retained its factious identity, a larger distinction developed in Spanish feminism between the institutionalized state feminists in the IM and the activist feminists in the MFE. Empar Pineda explains that initially the IM seemed to represent the beliefs and demands of the movement; however the MFE ultimately became disillusioned with it for a number of reasons.

Por un lado, coopto a mujeres para los puestos del instituto, mujeres que habían trabajado hasta entonces en los grupos feministas en una forma voluntaria. Y por otro lado, puesto que el instituto accedió a la televisión pública y los medios publicas de infusión, claro para las mujeres tenía un aspecto positivo porque por fin desde el gobierno alguien sale defendiendo las mujeres, pero por otro lado, ha callado mucho las voces del movimiento porque el movimiento no tiene las mismas fuerzas como el instituto.<sup>139</sup>

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<sup>138</sup> Dorothy McBride Stetson and Amy G. Mazur, "Conclusion," in *Comparative State Feminism*, ed. Dorothy McBride Stetson and Amy G. Mazur (California: Sage Publications, 1995), 276.

<sup>139</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

On the one hand, [the IM] co-opted women for posts in the institute, women who had been working since forever in the feminist groups. And also, since the IM had access to the public television and all the public media, which clearly for the women there was a positive aspect because finally someone from the government was defending women, but, on the other hand, it silenced many voices from the movement because the movement didn't have the same forces as the IM.

Despite this division and their obvious ideological differences, the IM and MFE had similar goals in the 1980's—both made abortion politics a priority. However, the approaches of the groups varied depending on their position within Spanish society. The activist feminists focused more on protests and grass-roots organizing in order to impact attitudes and beliefs about abortion while the state feminists spent their time on developing policy responses and networking within governmental agencies.

The IM had been created in 1983 partly due to pressure from the UN and partly due to internal party pressure in the PSOE from the secretariat Mujer y Socialismo.<sup>140</sup> It has an advisory council which has included since its founding representatives of most government ministries as well as six other members called *vocales* who are appointed by the minister on the recommendation of the IM's director.<sup>141</sup> *Vocales* have to be advocates of gender equality in their professional or public lives; however, they are strictly forbidden from being members of the MFE, for “1) they are nominated because of individual commitment not because of their activities in women's groups and 2) they are not elected by any feminist organization

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<sup>140</sup> Celia Valiente, “Implementing Women's Rights in Spain,” in Globalization, Gender, and Religion: The Politics of Women's Rights in Catholic and Muslim Contexts, ed. Jane H. Bayes and Nayereh Tohidi (New York: Palgrave, 2001), 112.

<sup>141</sup> Celia Valiente, “State feminism and gender equality policies: The case of Spain (1983-95),” in Sex Equality Policy in Western Europe, ed. Frances Gardiner (London: Routledge, 1997), 135.

to represent it in the council".<sup>142</sup> It was not until the early 1990's that any laxity with this rule occurred. At that time three representatives from the MFE were allowed to serve as *vocales*; however, it is important to note that this apparent improvement in collaboration between the IM and the MFE was concurrent with the marked decline of the importance of the advisory council.<sup>143</sup> This exclusion firmly delineated the distinction between activist and state feminists.

Regardless of the later attempt at inclusive politics made by the IM, the advisory council was not the only time that movement feminists were explicitly prohibited from participating in an IM venture. Perhaps most importantly, there were no MFE members allowed in the negotiations on the Royal Decree. The exclusion of MFE feminists was a constant aspect of IM functioning, even though their first director, Carlota Bustelo, who was a member of the MFE for years before taking the position, often looked to former MFE feminists for allies.<sup>144</sup>

Part of the exclusion was a voluntary rejection of the IM on the part of the movement feminists. As Gretel Ammann explains, government structures in countries that have dealt with dictatorships are imbued with certain, inescapable negative connotations.<sup>145</sup> Thus, "Women who have gone to work in a state-subsidized institution, be it the Instituto de la Mujer or an official library, are considered

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<sup>142</sup> Celia Valiente, "State feminism and gender equality policies: The case of Spain (1983-95)," in Sex Equality Policy in Western Europe, ed. Frances Gardiner (London: Routledge, 1997), 135.

<sup>143</sup> Celia Valiente, "The Power of Persuasion: The Instituto de la Mujer in Spain," in Comparative State Feminism, ed. Dorothy McBride Stetson and Amy G. Mazur (California: Sage Publications, 1995), 232.

<sup>144</sup> Celia Valiente, "Gendering Abortion Debates: State Feminism in Spain" in Abortion Politics, Women's Movements, and the Democratic State: A Comparative Study of State Feminism, ed. Dorothy McBride Stetson (Oxford: Oxford University Press, 2001), 236.

<sup>145</sup> Gretel Ammann, "The Effects of Forty Years of Dictatorship on the Spanish Feminist Movement," Irish Feminist Review 2 (2006): 53.

collaborators or traitors”.<sup>146</sup> Activist feminists were not interested in collaborating with the IM because, partly due to the history of state abuse of power in Spain, state feminists were seen as having ‘sold out’ and joined the enemy.

Likewise, state feminists were skeptical of the tactics activist feminists utilized. Traditionally, state feminists promoted working through the government in order to further women’s goals “rather than being restricted to a part-time role outside as supplicants”.<sup>147</sup> This obvious divergence in ideology and approach distanced the two types of feminists from each other and made alliances a difficult project. The rift between activist feminists and state feminists was deeply ingrained.

One of the main distinctions between the state and activist feminists was their approach to feminism. The IM, unlike the MFE, approaches women’s rights from a highly bureaucratic mindset and has specific tasks it is supposed to accomplish during a fiscal year. It focuses on gender equality policies, although it does not have the budget to implement its own policies. Instead, the state feminists’ job is to persuade other state units to incorporate the IM’s gender equality policies into their agendas.<sup>148</sup> The IM does have the budget to promote research, diffuse information about women’s rights, and receive and handle complaints of discrimination against women.<sup>149</sup> However, during the 1980’s, the IM’s main priority was abortion.

In September of 1985, just two years after its creation, the IM issued various internal reports that were sent to the Ministry of Health and Consumption in response

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<sup>146</sup> Gretel Ammann, “The Effects of Forty Years of Dictatorship on the Spanish Feminist Movement,” *Irish Feminist Review* 2 (2006): 53.

<sup>147</sup> Dorothy McBride Stetson and Amy G. Mazur, “Introduction,” in *Comparative State Feminism*, ed. Dorothy McBride Stetson and Amy G. Mazur (California: Sage Publications, 1995), 5.

<sup>148</sup> Celia Valiente, “State feminism and gender equality policies: The case of Spain (1983-95),” in *Sex Equality Policy in Western Europe*, ed. Frances Gardiner (London: Routledge, 1997), 130.

<sup>149</sup> *Ibid.*, 133.



to the implementation of the 1985 Abortion Act. The IM aimed to illustrate the reality of the abortion law in Spanish society through these reports. The reports highlighted what the state feminists in the agency had determined to be the three main problems with implementation: 1) the assessment committees were going beyond their powers 2) undue resource requirements were preventing most public and all private clinics from having the means to perform abortions and 3) very few public hospitals were actually performing abortions due to the pervasiveness of the conscience clause.<sup>150</sup>

Nearly a year later, the IM had compiled their findings and reports into a draft piece of legislation. Together with the Ministry of Health and Consumption and a few other policy actors, the IM put pressure on the government to approve a piece of legislation that had developed out of their work. On November 21, 1986 the Spanish government approved the Royal Decree 2409 on the implementation of the 1985 Abortion Act.<sup>151</sup> The IM was motivated to focus on abortion during the 1980's and thus utilized their newly found influence to put pressure on the government to improve its legal access.

The IM's decision to make abortion politics its main goal was not an obvious choice partly because its members were not overly feminist identified and partly because abortion is a controversial topic for a bureaucratic agency to engage. It was not a common direction for a women's agency to take, especially immediately after said agency was created. Typically, women's agencies tended to act more

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<sup>150</sup> Celia Valiente, "Gendering Abortion Debates: State Feminism in Spain" in Abortion Politics, Women's Movements, and the Democratic State: A Comparative Study of State Feminism, ed. Dorothy McBride Stetson (Oxford: Oxford University Press, 2001), 238.

<sup>151</sup> Celia Valiente, "Implementing Women's Rights in Spain," in Globalization, Gender, and Religion: The Politics of Women's Rights in Catholic and Muslim Contexts, ed. Jane H. Bayes and Nayereh Tohidi (New York: Palgrave, 2001), 116.

conservatively in their early years, taking more generally accepted stands, which usually came in the form of economic demands. The Ministère des Droits de la Femme in France made its highest priority equal employment and equal training opportunities for women.<sup>152</sup> Similarly, the Frauenbeauftragte in Germany was created partially in order to serve as a sort of “affirmative action officer” for women seeking employment.<sup>153</sup> Both of these agencies, like the IM, were created by socialist governments. However, unlike the IM, the agencies in France and Germany were influenced by their socialist beginnings to such an extent that they remained focused on economic changes while still growing as ministries. The IM, instead, was motivated to take on a highly controversial battle in the first years of its existence, even though that would mean directly confronting the other government ministries as well as the constitution.

The IM, though diverging from the typical state feminist agency path, had elected an issue that was prominent on the national scene at the time. By 1983, abortion had become a salient topic. I will argue the MFE’s organizing, and specifically the work on the Bilbao campaign, influenced the framing of abortion in society as well as propelled abortion to the national agenda. As Stetson and Mazur observed, grass-roots organizing by radical feminist groups can set the national agenda which then influences the actions and effectiveness of the state feminist agency. Once abortion was firmly set on the national agenda, the IM decided to focus

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<sup>152</sup> Amy G. Mazur, “Strong State and Symbolic Reform: The Ministère des Droits de la Femme in France,” in *Comparative State Feminism*, ed. Dorothy McBride Stetson and Amy G. Mazur (California: Sage Publications, 1995), 86.

<sup>153</sup> Myra Marx Ferree, “Making Equality: The Women’s Affairs Offices in the Federal Republic of Germany,” in *Comparative State Feminism*, ed. Dorothy McBride Stetson and Amy G. Mazur (California: Sage Publications, 1995), 101.

their efforts on the debate and, especially, the drafting of the Royal Decree. Though the state and activist feminists remained in conflict throughout this period, their unintentional collaboration was responsible for the decreasing trend in police raids and increasing societal acceptance of abortion I discussed earlier.

The state feminists expressed their desire to liberalize the abortion law by investing their personnel, time, and budget into working on policy reports and what would become the Royal Decree; the movement feminists, on the other hand, were prone to alternative tactics, regardless of their faction. “In Spain, women’s organizations were demonstrating, lobbying, and organizing conscience-raising groups at the local level...”.<sup>154</sup> In fact, feminists in the MFE had been organizing as such since 1975.

Then, in 1979, the MFE found the right campaign in which to invest all of its energy. Finding the right campaign is not just a matter of internal willingness or preparation; external factors play an important role. Likewise, when selecting a major campaign, viability is crucial. Sidney Tarrow explains the concept of political opportunity as “consistent—but not necessarily formal or permanent—dimensions of the political environment that provide incentives for collective action by affecting people’s expectations for success or failure”.<sup>155</sup> As I discussed in more detail in Chapter Two, the trial in Bilbao, from the economic position of the women to the timing of the trial in relation to both the democratic transition and the development of

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<sup>154</sup> Ana Prata, Women’s Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988) 2007, 131.

<sup>155</sup> Sidney Tarrow, Power in Movement: Social Movements and Contentious Politics, Second Edition (Cambridge, UK: Cambridge University Press, 1998), 77

a more fluid feminist movement, provided the perfect political opportunity for the activist feminists to launch abortion into the national scene.

The Bilbao campaign reached its peak and came to a conclusion just as the IM was created. Since it was the biggest national moment for abortion politics that had yet occurred in Spain, Bilbao set the tone for understanding the debate. As Ana Prata explains:

[Bilbao]...had major impacts on abortion policy reform. First, it reinforced the social justice framing regarding the need for change on abortion laws...The second main impact was that the threat by the judicial system to uphold the law at the Bilbao trial resulted in an unfavorable public opinion response and increased the public support for abortion decriminalization.<sup>156</sup>

For the first time, public opinion fell on the side of women who had aborted. This shift was monumental. For the MFE, this meant it had succeeded in garnering support; support that would help the activist feminists gain access to the collective conscience of Spanish society and start gradually replacing the old ideology regarding abortion. Unlike the state feminists, the activist feminists aimed to shift public opinion through such tactics as the Bilbao campaign and knew they had succeeded when society swung their support in favor of the women. In 1979, the first year of the trial, only 27% of the Spanish population was in favor of a legalization of abortion. Then, in 1983, just one year after the trial in Bilbao, 57% of the population was in favor of the decriminalization project proposed by the socialist government.<sup>157</sup>

The shift in public support was not only the result of the campaign, but in fact a contributing factor to its success. As I explained in Chapter Two, it became clear

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<sup>156</sup> Ana Prata, Women's Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988) 2007, 163.

<sup>157</sup> Merike Blofield, The Politics of Moral Sin: Abortion and Divorce in Spain, Chile and Argentina (New York: Routledge, 2006), 79.

that support had shifted onto the side of the women when the 11 women started petitioning in 1982 for an open door trial to utilize public opinion to their advantage and the judge, who had been in favor of an open door trial back in 1979, refused their petition. The show of public support put pressure on the judicial system.

When the IM made the decision to take up the abortion fight, they were, compared to other women's agencies in Europe, choosing an unpopular battle. However, in Spain, they were selecting the topic of the most interest at the time ever since the MFE had propelled abortion into the national dialogue. As a result of the Bilbao campaign, "the abortion issue was definitely not just on the political agenda of women's organizations, but also on the political agenda of the country".<sup>158</sup> The IM would have been foolish and irresponsible to have ignored it and chosen otherwise. There was really no other issue as prevalent and important to not just feminists but most women in Spain.

The IM focused on abortion because the MFE poured all of its efforts into a mass campaign for the trial in Bilbao and made it a pressing issue. For the trajectory of abortion politics in Spain, the IM's decision to focus on abortion was integral. It led to the numerous reports they filed on the implementation of the 1985 Abortion Act. These reports were the first challenges from a governmental agency to the very limited, decriminalization of abortion that had occurred. Moreover, they were the beginning of what would become a draft piece of legislation on the Royal Decree.

Since the IM had decided to prioritize abortion, the state feminists in the agency collaborated with other ministries to propose and draft the Royal Decree of

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<sup>158</sup> Ana Prata, Women's Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988) 2007, 119.

1986. “Although the 1986 Royal Decree only partly coincided with the goals of the women’s movement and did not fully satisfy it (no abortion on demand performed for free in the public health system), it still represented the inclusion of women’s activism, and was an example of the successful impact of the women’s movement on abortion regulations”.<sup>159</sup> The decree improved access to abortion by facilitating the creation of new private clinics and making the requirements of authorization for clinics already performing abortions less stringent.<sup>160</sup> This allowed private clinics to gain authorization for their work and thus at least minimal legal protection.

One of the most important facets of the decree, however, was the elimination of the assessment committees. As supervising bodies they had the power to report clinic workers or clinics that were not strictly abiding by the law. Their existence insisted that the 1985 Abortion Act would be implemented in the most limited fashion as possible. Employing an alternative version of the law was impossible. By targeting the committees, the IM was carving out space for the clinics to be autonomous. As I discussed in the earlier section on the Royal Decree, that space was not enough. The raids persisted. A shift in public opinion that supported the expansion of clinics into that space was likewise necessary. However, the looser interpretations being employed by clinics in 2007 would never have been possible without the passing of the Royal Decree.

From 1986-2007, public opinion did continue in favor of abortion. In 1981, 48.2% of the population considered abortion never justifiable, but by the year 2000 the percentage had more than cut in half with only 22.6% considering abortion never

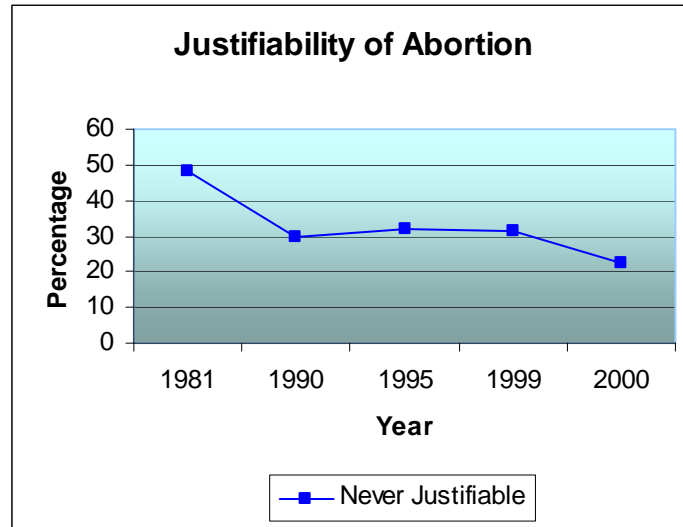
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<sup>159</sup> Ana Prata, Women’s Movements, the State, and the Struggle for Abortion Rights: Comparing Spain and Portugal in Times of Democratic Expansion (1974-1988) 2007, 181.

<sup>160</sup> Ibid.

justifiable.<sup>161</sup> Figure 6 illustrates the increase in public support on the issue of abortion from 1981-2000.

**Figure 6**<sup>162</sup>



There is a slight deviation from the general pattern of steady decrease for the percentage of the population that considers abortion never justifiable around the year 1995. The following year, the conservative party—el Partido Popular—won the elections. That political transfer represented not just a conservative shift in the population but also in the funding and support that the IM would receive, as a socialist government program. Despite that one aberration, however, the pattern continued and by 2000 less than a quarter of the Spanish population viewed abortion as never justifiable. That is a significant shift from almost half of the country condemning abortion as unjustifiable just two decades earlier.

During this time, both the state feminists and activist feminists had continued to influence public opinion. The IM was mostly engaged in its gender equality policy

<sup>161</sup> “The Values Survey: Justifiable: abortion” World Values Survey: The Worlds Most Comprehensive Investigation of Political and Sociocultural Change <[www.worldvaluessurvey.com](http://www.worldvaluessurvey.com)> (3 January 2008).

<sup>162</sup> Ibid.

programs; programs that promoted the rights of women more generally in society. They also circulated *Las mujeres en cifras*, a reference of statistics published by the IM from 1983-2003, which included an analysis of the status of women and abortion in Spain.

Moreover, the movement feminists continued to be active through their Jornadas, which were held annually until 2000, and their participation in the family planning and clinic sector. Empar Pineda and Justa Montero, the two women who started la Comisión Pro-Derecho al Aborto in Madrid, work in a private clinic and at la Federación de planificación familiar, respectively. Luisa Torres, the social worker at Clínica Dator, had always been a member of the MFE and, before 1985, was involved in helping women get to Amsterdam and London when they needed to abort. It was common for movement feminists to live their abortion activism through work at clinics.

Though there was no campaign as influential as the trial in Bilbao, it gave authority to feminist organizing. Thus, the impact of the Bilbao organizing lingered on in Spain and was later bolstered by the continued support for abortion rights championed by the activist feminists.

As a result of their success in Bilbao, the MFE was recognized by many institutions, parties, and syndicates.<sup>163</sup> Most importantly, though, activist feminists gained access to means of communication that had previously been out of reach. Empar Pineda explains that the fight for abortion rights and ultimate passing of the law “Is a process and achievement that is extremely rooted in the population”.<sup>164</sup>

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<sup>163</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

<sup>164</sup> Ibid.



According to Pineda, starting during the Bilbao campaign, the MFE played an extremely important role,

En esta época—importantísimo, muy, muy importante. Yo creo que...no vemos un juicio mejor para poder sensibilizar a la opinión pública. Y también es verdad que unos medios de comunicación, como *El País*, que en ese momento estaba abierto a todo que planteaba del movimiento feminista. Entonces fue una especie de altavoz de nuestras propias reivindicaciones del aborto.<sup>165</sup>

During this time period—extremely important. I believe that...we didn't see a trial that was better suited in order to impact public opinion. And also, it's true that some means of communication, like *El País*, were at this time open to everything that the feminist movement raised. So it was a kind of loudspeaker for our own demands for abortion.

The campaign in Bilbao gave authority and respect to the MFE, as well as support from a major Spanish publication. Thus, it strengthened their movement as they continued to fight for increased access to abortion. The trial in Bilbao provided Spanish feminists with the means and the authority to make their presence known in society.

The key to their ultimate success was public opinion. The MFE's focus on public opinion swung the trial in Bilbao which then influenced the IM to prioritize abortion politics when they were a new agency in the socialist government. Their decision to concentrate on the abortion debate led eventually to the passing of the Royal Decree and improved access to abortion.

The lasting impact of the MFE's public opinion success fostered the supportive social environment for the employment of looser interpretations of the law. Likewise, the Royal Decree eliminated the assessment committees and, therefore, removed the overseers who enforced the strict interpretations of the law.

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<sup>165</sup> Empar Pineda, interview by author, Madrid, Spain, spring 2007.

Once the assessment committees were abolished, it was easier for clinics to employ their own interpretations. Both the MFE's influence on public opinion and the IM's elimination of the assessment committees were necessary in order to permit clinics to implement their own interpretations of the law. Thus, it was a change in public opinion that was at the root of the decreasing trend in police raids and increasing trend in turning a blind eye to the work of abortion clinics.

The eventual diminution of police raids on abortion clinics and gradual acceptance of clinic activity was not solely a result of legislation nor was it a religious epiphany. It was, just as in Bilbao, public opinion shifting to the side of the women. The eleven women on trial in Bilbao asked for an open door trial in 1982 because they knew that public opinion had swayed since 1979 and was on their side. Likewise, the clinics in 2007 openly practice abortions according to a looser interpretation of the 1985 Abortion Act because they understand that public opinion, which had so vehemently opposed anyone who dared employ a less stringent version of the law earlier, had now shifted. Clinics would not publicly announce their politics in liberal slogans such as 'You Decide' unless they understood the change that had taken place in the collective Spanish mind since 1985.

Stetson and Mazur do not include Spain as one of the countries in which a grass-roots organizing feminist movement propelled an issue onto a national agenda at which point a state feminist agency continued the momentum from within the government. However, the MFE's commitment to persistent protesting and political organizing succeeded in not only achieving amnesty for the eleven women of Bilbao, but drastically shifting public opinion on abortion. The MFE was able to change the

way abortion was understood in the national framework during the trial in Bilbao by focusing on public opinion, and the IM, as the institutionalized voice of feminism, engaged in the abortion debate since it was on the public's mind.

Though distanced by ideology and approach, the activist and state feminists in Spain collaborated through their shared prioritization of abortion in the 1980's. The MFE and IM were devoted to the same type of goal with a different mindset. Regardless of their obvious differences, the simple fact that they were both struggling for a better abortion reality meant that they struggled together. Their collaboration was neither intentional nor pronounced; it was a gradually developing interplay resulting from shared priorities. The shifting of public opinion on abortion as well as the reality of abortion in Spain would not have been possible without the concomitant efforts of both state feminists and activist feminists working on a common issue.

## **Conclusion**

Though Duran and Gallego concluded that the Spanish feminist movement was a weak movement that died in the 1980's, I have demonstrated through my research that the MFE simply became a different movement in 1979. By restructuring into a movement comprised of many autonomous groups all linked together, the MFE was able to transcend their divisions and continue to thrive. Furthermore, the period that Duran and Gallego identify as the movement's decline was the same period during which it launched the influential Bilbao campaign. The MFE was most certainly not at its weakest when it petitioned for the amnesty of the eleven Bilbao women and a legalization of abortion.

Throughout this work I have aimed to illustrate that not only was the *Movimiento Feminista Español* a vibrant movement but that its influence extended into the collective social conscience, impacting public opinion and launching feminist demands, chief among them abortion, onto the national agenda. The movement was able to thrust the issue of abortion into the national spotlight, which made the IM's decision to prioritize abortion politics obvious, logical, and, ultimately, quite effective. The unintentional collaboration between activist and state feminists allowed the Spanish feminist movement to impact societal views on abortion as well as to enact legislative policies that monitored the policing of private clinics.

There were four periods of the Spanish feminist movement, a homogenous movement (1975-1979), a period of diffusion (1979), a period of a unified cause, different tactics (1979-1982), and a period of unintended activist and state feminist collaboration (1983-present day). Feminism as an articulated concept in Spanish

society was born in 1975. It erupted onto the scene following the death of General Francisco Franco and subsequent demise of the dictatorship. Feminist groups had existed in a proto fashion during the dictatorship; however, labor organizing was the articulated purpose of those groups, not feminism.

During the first three periods, the focus was almost entirely on the activist feminist movement, the MFE, and their internal schism between single and double militant feminists, which was the predominant split dividing the movement. Following 1982, with the creation of the Instituto de la Mujer, the rift between activist and state feminists usurped the internal strife of the MFE and became the dominant conflict in the Spanish feminist movement.

Stetson and Mazur postulate that state feminist agencies are strongest when they are coupled with a radical feminist movement that propels issues onto the national agenda with grass-roots organizing.<sup>166</sup> The radical feminist movement thus prioritizes feminist demands in the national scene and forces society to pay mind through their protests and organizing, which, in turn, allows for the women's political machinery to take up the fight within the government and affect legislative and policy changes. This type of system, however, is only possible when the feminist movement is strong and effective, and Stetson and Mazur did not identify Spain as a country that had such a movement. They instead classified Spain as a Type 2 country, which signified that the feminist movement was not strong enough to influence the state feminist agency's agenda. As I have demonstrated, the Spanish feminist movement had a much greater impact than scholars have previously theorized.

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<sup>166</sup> Dorothy McBride Stetson and Amy G. Mazur, "Conclusion," in Comparative State Feminism, ed. Dorothy McBride Stetson and Amy G. Mazur (California: Sage Publications, 1995), 290.

However, the disadvantage of the type of decriminalization process that occurred in Spain was that the liberal public attitude toward clinic activity and liberalization of clinic interpretations of the law hinged significantly on public opinion. While this tactic proved successful during the trial in Bilbao and certainly during the two decades following the case, it is far from a certainty. Public opinion shifts, sometimes dramatically. In the case of abortion, a reversal of public support might immediately threaten the practice of abortion since the letter of the law does not match current practice.

Though Clínica Dator uses the psychological health of the woman as de-facto abortion on demand, abortion in Spain is not freely accessible to women. Feminists such as Empar Pineda, Justa Montero, and Gracia Trujillo insist that even though the system as it exists currently functions in the favor of many women, the law needs to be adapted in order to ensure the accessibility of safe, legal, and free abortions for all women. This legal change is especially important to secure because of the possibility of a change in public opinion.

Presently, the de-facto abortion on demand neglects the necessities of immigrant women and women who cannot afford the high cost of an abortion at a private clinic. Moreover, the requirement of an interview with a psychiatrist in order to determine whether a woman fits within the law or not revokes the entire notion of an abortion on demand even though most women who ask for an abortion are granted permission. Women must ask another person for permission and that person decides if the abortion will be allowed—that process is not one of volition.

Still, the de-facto abortion on demand achieved by Spanish feminists was successful. The police raids that constantly threatened abortion clinics steadily declined after the tumultuous year of 1986 and by 1996 raids were basically nonexistent. This decreasing trend occurred concomitantly with an increasing trend in the phenomena of society turning a blind eye to clinic activity. The activist feminists were able to influence the public's opinion on abortion and the women who aborted. Building off the work the MFE had already done on shifting public opinion, the activist and state feminists combated the police raids and carved out a more autonomous space for abortion clinics.

Until recently, this was the reality that predominated. However, in November and December of 2007 there was a resurgence of police raids on abortion clinics in Madrid, including on Clínica Dator.<sup>167</sup> As was the case in 1986, the other clinics shut down in protest to the police interventions. There have not been raids like these in Spain in over a decade.

Though the socialist party has won the past two elections in Spain, the conservative party has held power in the autonomous community of Madrid since 1996. Even while the PSOE maintained command of the national Parliament, the Partido Popular made gains on the national scene and certainly in Madrid. In 2004, the PP won 17 and the PSOE 16 out of a possible 35 seats in the community of Madrid.<sup>168</sup> During the next elections on March 9, 2008, the PP widened the gap

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<sup>167</sup> Mokhtar Attitar and Maiol Roger, "Más de 5.000 personas se concentran en Madrid y Barcelona en defensa del aborto," *El País*, 23 January 2008.

<sup>168</sup> "El Partido Popular, la fuerza más votada en Madrid" *Partido Popular Madrid*, 9 March 2008 <<http://www.ppmadrid.es>> (28 March 2008).

taking 18 seats while the PSOE only won 15.<sup>169</sup> Thus, despite the national socialist win, there is a growing conservative influence in the community of Madrid.

This evolving conservative strength could be enough to sway public opinion against abortion. Since society's acceptance of clinic activity and willingness to allow looser interpretations to be employed at private abortion clinics depends on the collective attitudes of the public, the practice of abortion has few safeguards. Once public support dwindles or, as it appears to be doing currently in Madrid, turns in opposition, the autonomous spaces carved out for clinics can again be invaded by the police. De-facto abortion on demand in Spain is only possible when society complies.

While safe, free, and legal abortion on demand for all Spanish women would have been the preferred outcome for the MFE, the de-facto legalization has allowed thousands of women access to abortion for the past two decades. Although the movement in Spain has always been divided—whether between the double and single militant activist feminists or between the activist and state feminists—it has been able to construct a cohesive, effective movement that recognized the strength of its individual parts. Abortion has served as a formative issue for the movement. The 1985 Abortion Act, though a legal decriminalization of abortion, did not provide the same type of necessary improvements that the Spanish feminists were able to achieve through their organizing. For the MFE, abortion was a unifying topic around which to mobilize; for the activist and state feminists it became a shared goal for which to fight.

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<sup>169</sup> “El Partido Popular, la fuerza más votada en Madrid” Partido Popular Madrid, 9 March 2008 <<http://www.ppmadrid.es>> (28 March 2008).



The focus on public opinion proved generally successful for the movement; however, the lack of concrete improvements on the abortion reform bill, such as legalized abortion on demand, meant that any success had to be restricted and temporary. The improvements favored a certain type of Spanish women. De-facto abortion on demand does not provide for lower class and immigrant women in the same manner that safe, free, and legal abortions would. The looming danger, however, is that public opinion, as demonstrated by the MFE's impact, can be persuaded into shifting. Since society's acceptance of clinic activity depends heavily on public support, that status of abortion in Spain is not well protected. A change in public opinion could result in renewed police intervention in clinics, as occurred in Madrid. The Spanish feminist movement influenced a re-framing of abortion in Spanish society but since there was no legal re-positioning to solidify that stance, there are no safeguards against an adverse shift of public opinion.

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