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*The Gender Dimension of the Spanish Social Protection System
(1978-1996)*

Thesis submitted to the University of London for the degree of PhD.

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Abstract

This thesis studies the Spanish social protection system from a gender perspective. The period investigated is between 1978 and 1996. Two primary research questions were found relevant for the investigation. First, to what extent- and in which way- does the social protection system in Spain affect gender differently in terms of outcomes for men and women? Second, what are the potential factors that explain that degree of gender difference? Two main issues were set up as hypotheses for the analysis of this second research question: the extent to which gender equality issues are targeted as objectives in the social protection policy process; and, whether women are represented as social actors in the policy-making process.

Using secondary statistical data and legislative documents on entitlement rules, the first question is analysed by assessing men and women's access to benefits in cash administered by the public social security system. Additional consideration is given to social services in kind and the income tax system as complementary sources of social provision. Elite interviews and documentary material are undertaken as primary research material for the second part of the investigation. The focus has been on patterns of neo-corporatism, policy access of women's policy machinery, gender equality strategies and the discourses and ideologies that embrace social actors' intervention in the policy process.

The thesis starts with an overview of the existing literature. The first chapters concentrate on theoretical issues and background of the country under study. Chapter 4 locates several ways in which gender stratification is sustained in the social protection system. It will be shown how labour market segregation and specific configuration of benefits through entitlement rules explain two-track access to social security for men and women. Chapter 5, chapter 6, and chapter 7 have identified internal and external factors conditioning the inclusion of gender equality as a relevant issue in the policy process and the intervention of women's policy machinery in policy-making. Bringing together the findings from the previous chapters, chapter 8 identifies a distinctive gender and welfare model common to the countries of southern Europe, outlining challenges for the future of their social protection systems.

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Finally, though needless to say, thanks to Zyab for incessant encouragement and much more and to my parents, to whom this thesis is dedicated.

*“La mejor certeza que puede legar una generación
a la siguiente es un número limitado de preguntas”
Margarita Borja*

A mis padres

Table of Contents

Abstract	2
Acknowledgements	3
Table of contents	4
List of tables	6
Abbreviations	7
Chapter 1. Introduction	8
<i>Context of the research</i>	9
<i>Why the social protection system?</i>	12
<i>Research questions and methods</i>	13
<i>Structure of the thesis</i>	19
Chapter 2. The Gender Dimension of the Welfare State	22
<i>Introduction</i>	22
<i>Early feminist views on the welfare state</i>	22
<i>Mainstream analysis of the welfare state. Notions of citizenship</i>	24
<i>The feminist critique to mainstream approaches. Challenging citizenship</i>	27
<i>Binary oppositions</i>	28
<i>Revising welfare state dimensions of variation</i>	32
<i>Gender dimensions of the welfare state</i>	33
<i>Gender and welfare state regimes</i>	38
<i>Women as policy agents</i>	42
<i>Further Implications</i>	44
Chapter 3. The Spanish Welfare State in Context	47
<i>Introduction</i>	47
<i>First steps</i>	48
<i>The Francoist social insurance programmes</i>	50
<i>The institutionalisation of the welfare state (from 1960 to 1975)</i>	53
<i>The welfare state under the 1978 Constitution</i>	56
<i>Limits and potentialities of the expanding welfare state (from 1982 to 1990)</i>	59
<i>Continuity in the social protection system</i>	63
<i>The political interest in gender equality</i>	65
<i>The new political framework of the 1990s</i>	67
<i>Conclusions</i>	71
Chapter 4. Men and Women in Spanish Social Security	73
<i>Introduction</i>	73
<i>The organisation of social provision</i>	73
<i>Female representation in contributory benefits</i>	75
<i>Generosity of contributory benefits</i>	80
<i>Uneven improvements of contributory benefits</i>	81
<i>Redistribution mechanisms</i>	83
<i>Maternity and family protection</i>	88
<i>Non-contributory and assistential benefits</i>	92
<i>Concluding remarks</i>	95

Chapter 5. The Policy Process: Social Actors and Dynamics of Social Security Reforms	98
<i>Introduction</i>	98
<i>Relevant issues in the policy process</i>	99
<i>The impact of 'consensus' and neo-corporatism on gender issues and the women's movement. The transition period</i>	102
<i>Gender policies and social policies. Two unrelated spheres of intervention?</i>	109
<i>Confrontation versus dialogue. The conflictive nature of the policy process</i>	114
<i>The future of social policy: The Toledo Pact.</i>	118
<i>Conclusions</i>	119
Chapter 6 Policy Access of Women's Advocacy Groups -Views on Gender Equality-	121
<i>Introduction</i>	121
<i>Policy access of women inside trade unions</i>	122
<i>Collective bargaining and equal opportunities</i>	127
<i>Policy access of the IM</i>	131
<i>Relationship between the women's advocacy institutions</i>	138
<i>The rejection of the 'care-giver parity strategy'</i>	140
<i>The commitment to the 'universal-breadwinner strategy'</i>	142
<i>Towards the 'universal-caregiver strategy'</i>	149
<i>Conclusions</i>	150
Chapter 7 Understandings of 'Solidarity'	151
<i>Introduction</i>	151
<i>Class, generational and territorial understandings of solidarity</i>	152
<i>From the collective to the individual dimension of solidarity</i>	156
<i>Changes in solidarity</i>	160
<i>The invisibility of a 'gender problem'</i>	164
<i>Solidarity on the social periphery</i>	168
<i>Conclusions</i>	175
Chapter 8 Conclusions. Further Reflections on Welfare and Gender Regimes	177
<i>Aims and methods</i>	177
<i>The utility of theoretical perspectives</i>	179
<i>Critical findings</i>	180
<i>Positive and negative factors for the promotion of gender equality</i>	182
<i>Equality of treatment versus equality of outcome</i>	185
<i>Solidarity and invisible 'familialistic' assumptions</i>	188
<i>Welfare and gender regimes</i>	189
Appendices	195
Appendix 1 Consideration on Methods	196
<i>Interviews' material</i>	196
<i>Interviews' sample</i>	197
<i>Topic guide for the interviews</i>	198
<i>Units of analysis</i>	200
<i>Documentary material</i>	201
Appendix 2 Tables chapter 4	203
Appendix 3 Types of pensions and Cash Benefits: A Selected Audit	209
Bibliography	225

List of Tables

2.1	Three gender policy regimes	40
2.2	Gender policy models	41
4.1	Initial retirement pension	83
4.2	Accessibility and generosity of social protection schemes	95
4.3	A distinctive gender policy regime	96
8.1	Four gender policy regimes	190
A.1	Current expenditure on social protection in relation to GDP at market prices	203
A.2	Social protection expenditure by function in EU countries	203
A.3	Percentage of the budget for categories of contributory pensions	204
A.4	Percentage of claimants for categories of contributory pensions	204
A.5	Ration women/total of retirement, invalidity and widow contributory pensions	204
A.6	Contributory retirement pensions by sex and age group –percentages-	204
A.7	Contributory invalidity pensions by sex and age group -percentages-	205
A.8	Contributory widow pensions by sex and age group -percentages-	205
A.9	Ratio women/men invalidity and retirement pensions by age group	206
A.10	Ratio women widow contributory pension/men retirement contributory pension	206
A.11	Proportion of minimum pensions in relation to minimum wage	207
A.12	Percentage of contributory pensions by regime	207
A.13	Distribution of retirement pensions by years of contribution by regime	208
A.14	Percentage of pensions over the total that receive minimum complements	208
A.15	Types of pensions and cash benefits	210
A.16	Family Tax deductions (1979-1991)	224
A.17	Family Tax deductions (1992-1998)	224

Abbreviations

ANE	Acuerdo Nacional sobre Empleo (National Agreement on Employment)
AES	Acuerdo Económico y Social (Socio-economic Agreement)
AP	Alianza Popular (Conservative party, 1977, 1982 general elections)
CC.AA.	Comunidades Autónomas (Autonomous Communities)
CC.OO.	Comisiones Obreras (trade union)
CEOE	Confederación Española de Organizaciones de Empresa (Employers' organisation)
CES	Consejo Económico y Social (Socio-economic council)
CiU	Convergencia i Unió (Centre-right Catalan Nationalist party)
EO	Equal Opportunities policy
GDP	Gross Domestic Product
IM	Instituto de la Mujer (Women's Rights Institute)
INJUVE	Instituto de la Juventud (Youth Institute)
INE	Instituto Nacional de Empleo (National Institute of Employment)
INSS	Instituto Nacional de Seguridad Social (National Institute of Social Security)
INSALUD	Instituto Nacional de Salud (National Institute of Health)
INSERSO	Instituto Nacional de Servicios Sociales (National Institute of Social Services)
IRPF	Impuesto sobre la Renta de Personas Físicas (Progressive Income Tax system)
LBSS	Ley Básica de Seguridad Social, (Basic Law of Social Security, 1966)
LOGSE	Ley Orgánica de Ordenación General del Sistema Educativo (General Education Law, 1990)
MAASS	Ministerio Asuntos Sociales (Ministry of Social Affairs)
MTSS	Ministerio de Trabajo y Seguridad Social (Ministry of Labour and Social Security)
ML	Ministerio de Trabajo (Ministry of Labour)
PCE	Partido comunista de España (Communist party)
PIOM	Plan para la Igualdad de Oportunidades de las Mujeres (Equal Opportunities programme)
PSOE	Partido Socialista Obrero Español (Socialist party)
PP	Partido Popular (Conservative party)
SMI	Salario Mínimo Interprofesional (Minimum Wage)
SOVI	Seguro obligatorio de vejez y enfermedad (Compulsory insurance of old age and invalidity)
TU	Trade Unions
TUW	Women's bodies of trade unions
UCD	Unión de Centro Democrático (Centre-right party, 1977 general elections)
UGT	Unión General de Trabajadores (trade union)

Chapter 1

Introduction

Building on the insights provided by feminist analysis of welfare states, this thesis, *'the Gender Dimension of the Spanish Social Protection System'* is an attempt to contribute in two ways to the debate on the relationship between gender and the welfare state. On the one hand, by focusing on one country, in this case Spain, which has not been the subject of much attention by scholars in the field. On the other hand, by offering an explanation of the relations between gender and welfare systems based on political constructions of notions of social citizenship.

Considering the first aspect, I argue that the Spanish experience with its particular features associated with specific patterns of socio-economic and political development, and as a welfare state that is approaching EU medium size, will contribute to a wider understanding of gender and welfare state relationships. Spain has very frequently been neglected in comparative studies of European welfare states. The literature on comparative social policy, either from mainstream or feminist analyses, has in general failed to include systematically, the countries of southern Europe¹ within the analysis. The late development of the welfare state in Spain and the lack of comparative statistical data are the two main factors that explain Spain's absence from much comparative research. However, the existence of convergent elements with other welfare state models and divergent components resulting from the concrete historical evolution, produce specific patterns of welfare protection and, eventually, important repercussions on gender relations.

Thus, the present study joins an increasing field of research interested in knowing whether the countries of southern Europe can be considered as a distinct regime-type in its own. In this sense, and as Lijphart (1971) argues, certain types of case studies, such as this one, are closely connected with the comparative perspective and might indeed be considered as implicit parts of the comparative method.

¹ Greece, Italy, Portugal and Spain are the countries commonly included within the southern or Mediterranean model.

In relation to the second aspect, focusing attention on the political factor of the gender dimension of a social protection system is, in my judgement, important for several reasons. Gender stratification patterns can be more or less predicted according to the type of welfare regime. Of course, the degree and the form in which welfare states are gendered matter. A welfare system relying primarily on income maintenance schemes will, in principle, have stronger connotations for gender relations than a more universal rights-based welfare. In this sense, part of my concern is to find out how differences between men and women exist in the provision of benefits. However, a comprehensive understanding of how such a reality has been shaped, can only be reached by studying the concrete way in which the policy process has been configured.

Moreover, by concentrating on the political aspect, offering an explanation that situates gender relations and women's politics centre stage, the study aims not only to describe a concrete sphere of intervention but also to discover the relevance of gender roles in the organisation of society. Evoking the principle *policies affect politics* and *politics affect policies*, the starting point of this research is that the way policies are organised is crucial for the empowering of groups traditionally excluded from politics and at the same time, the possibility to act politically challenges existing definitions of policies.

Context of the research

In the most recent years, welfare state research from a gender perspective has been expanding in different directions. What used to be two unconnected spheres of investigation, are now complementary and interactive perspectives. Gender is at present recognised as a fundamental variable in shaping welfare states. Equally, welfare states are seen not just as determining class but also gender relations.

The best example of this shift can be found when comparing the first introductory paragraphs of two influential volumes in the field, edited by Diane Sainsbury.

“Feminist and mainstream theorizing and scholarship on welfare states have been informed by different research paradigms resulting in distinctive contributions. As yet there has been little effort to confront the two perspectives and to combine their insights in analysing welfare states and gender. Instead mainstream researchers have largely ignored feminist scholarship, and feminists have primarily engaged in a critique of

mainstream analysis. The result has been an intellectual impasse which needs to be overcome” (Sainsbury 1994: 1).

Five years later, Sainsbury writes:

“The past decade has witnessed an exciting reorientation in welfare state research. The gender division of welfare, previously a neglected area of study in comparative scholarship, is currently a major focus of interest. Crucial to this reorientation have been feminist critiques of mainstream analyses of welfare states and the combining of feminist and comparative perspectives” (Sainsbury 1999: 1).

Gendering Welfare States by Sainsbury (1994) was a crucial book in my early approach to this field. Almost all the contributions in that volume appear at different moments in the theoretical framework of chapter 2. In the latest volume, *Gender and Welfare State Regimes* (Sainsbury 1999), the progress made from the point of view of assessing welfare variations from a gender perspective is phenomenal, although Spain is absent in the cross-national comparisons. Moreover, the political dimension that received little attention in previous studies of gender and welfare states is now integrated along with other indicators of variation of the relationship between gender and welfare states.

Thus, the research builds on an analytical framework where gender and welfare states are seen in a dynamic relationship. Scott (1986) theorised gender as a constitutive element of social relationships and as a primary way of signifying relationships of power. By the former she understands the effect gender has in social and institutional relationships and by the latter, the implication of gender in the construction of power itself. Both dimensions of the term recognise that gender relations in society define structures of differentiation, inequalities and hierarchies (Orloff 1996). In this sense, gender is not only a descriptive variable, i.e. differences between men and women. It is also an analytical category. Gender relations conceptualise the very reality of welfare states.²

Conversely, the welfare state is understood as being not only a consequence of economic, political and ideological systems, but also as a powerful institution that in certain ways gives shape to economic, ideological and political realities. It is considered not only as a mechanism that intervenes and corrects the structure of inequality of a

² Jones and Jónasdóttir (1988: 9) defined gender as an analytical category in political theory as “to perceive gender as at least an analytically distinct set of social relationships”.

society, but also as a stratification system on its own, an active force on the structure of social relations (Esping-Andersen 1990).

From this perspective, the relation between women and the welfare state is not established as linear but as relational. A linear understanding would consider that women's dependency is either strengthened or weakened by the welfare state. A relational vision emphasises its contradictory nature. That is, what several feminists have called "paradoxical". Women's position within the private sphere plays a very important role in the configuration of the welfare state and also, the welfare state becomes crucial in the achievement of gender equality in society. As Pateman (1989) puts it, the paradox consists of the patriarchal structure of the welfare state as an institution that has also brought challenges to patriarchal power and helped to provide a basis for women's autonomous citizenship.

Therefore, when assessing the gender dimension of welfare states, this antagonistic relationship will have to be estimated. Doing so implies looking at the importance of the family along with the state and the market in welfare provision, in order to assess the role of women as providers of welfare. Also, the existence of policies that allow women's emancipation from family obligations needs to be appraised, such as policies that encourage women's entrance to the labour market and policies that promote the combination of paid and unpaid work.

However, I do not assume that either categories or gender roles are internally homogeneous. Central variables such as race, age, education, income or labour market position produce divisions within each gender category. Women's interests might therefore differ. Policies designed for women's roles as mothers and carers do not affect all women, for the simple reason that not all women are mothers or carers. Even for those that do perform that role, such policies only affect them in a concrete period of their life cycle. Similarly, not all men benefit equally from welfare provision given on a breadwinner basis, simply because not all men are breadwinners.

Nonetheless, as far as these categories and roles are socially constructed and tend to explain the norm, there is a case for analysis. As several authors have outlined, the recognition of multiple identities between men and women does not undermine the case for political agency. As Lister (1997: 77) points out, "the recognition that the category *woman* is not unitary does not render it meaningless".

Why the social protection system?

Initially, social protection schemes were developed to secure the income of individual workers facing risks of the life cycle. These risks were mainly produced as a consequence of temporary or permanent spells from the labour market. The first attempts of social insurance programmes were motivated by the productivity needs of industrialised economies and by the interests of the political elite to preserve the hierarchical structures of society by containing potential social conflicts. Thus, strictly speaking, when these insurance schemes were first created, issues such as equality or redistribution between members of society, were not relevant objectives. On the contrary, to secure individual income in the face of certain risks often meant to secure differences in the life standards of individuals acquired through lifetime.

The development of social protection schemes under democratic political systems soon gave a social dimension to these individual rights. As Baldwin (1990) argues, concerns that had formerly been individual became political in its broad sense. Thus, for instance, a pension given by the state to someone reaching old age embodies certain definitions of citizenship in its social expression. Is the pension given on the basis of age? Is it tied to the labour market? Is it on the basis of family dependency?

This understanding of social protection benefits as citizenship rights becomes very relevant from a gender point of view. Although citizenship has been claimed as being neutral, feminism has identified its gender constructions. Rights and obligations embody strong assumptions about gender roles. The very definition of risk can have a gender bias since social protection schemes represent an area of intervention where the family, the market, and the state are strongly inter-linked. When the state decides not to intervene in certain circumstances, the decision hits on families as primary institutions of social protection. Also, by identifying certain risks and not others, benefits rely on assumptions of what social needs are identified as such, and how they should be protected. Thus, the way in which social protection systems define risk and the social bases of the protection offered, i.e. understandings of equality and solidarity, not only reflects, but also shapes, structures of power and social relations. As Baldwin (1990) notes:

“Social insurance has not been a neutral system. It has not just mirrored economic and demographic changes or the evolution of risk incidence. Rather, it has directly affected

how such developments have been perceived and received in the political forum (1990: 16).

Thus, policy outcomes and structures need to be acknowledged when studying the gender dimension of a social protection system. The analysis of policy outcomes will focus on patterns of stratification in the performance of men and women in the different protection schemes. The study of the policy structure will have to pay attention to how risks and needs are defined and how they are articulated in the actual configuration of benefits. As far as political options and decisions condition final outcomes, the configuration of the policy process has an impact on gender relations.

The assessment of the policy process will have to assume its multidimensionality. That means that there are several factors intervening in the policy process and that they all influence the final outcomes. Every single factor that intervenes in the course of action of policy formation has a specific responsibility for the final outcome. Therefore, the actors that intervene in the process, the problems they aim to solve, the identification of alternatives and the viability of possible solutions, are all issues that need to be identified.

Thus, the interest from a gender perspective is to develop a focus of analysis that underlines the role of women and the relevance of gender related topics, all the way through the agenda setting to the implementation stage.

Research questions and methods

I set out the research proposal by suggesting two main questions: To what extent – and in which way- does the social protection system in Spain affect gender differently in terms of outcomes for men and women?; and what are the potential factors that explain that degree of gender difference?

The first research question tries to distinguish patterns of dissimilarities in the way men and women are protected and the principles by which men and women's social rights are defined -whether they are obtained on a labour market basis, through family dependency or individually-. More specifically, I attempt to find out to what extent gender differentiation is affected by processes of claiming benefits and by the existence of different programmes for family and labour market needs, and redistributive mechanisms.

Social protection in Spain is organised around four main entities. The National Social Security Office (*Instituto Nacional de Seguridad Social*), which manages the following cash benefits: old-age pensions, permanent invalidity, widow's pensions, orphan's benefits, benefits for family members, cash benefits in the case of temporary incapacity for work, family benefits and maternity allowances; the National Health Office (*Instituto Nacional de Salud*) gives benefits both to the persons insured in the sickness insurance funds and to the population which have no resources. Agencies of the autonomous devolved regions have transferred powers. The National Employment Office (*Instituto Nacional de Empleo, INEM*) manages all unemployment benefits and here also bodies of the autonomous regions have transferred powers. Finally, the National Migration and Social Services Office (*Instituto de Migraciones y Servicios Sociales, IMSERSO*) is in charge of migration affairs and controls additional social services and also administers social assistance allowances and non-contributory benefits. While the National Health Office is subordinate to the Ministry of Health, all the other bodies are subordinate to the Ministry of Labour and Social Affairs.

In the present study, the empirical analysis will concentrate on all the cash benefits and allowances included under the National Social Security Office.³ The reasons for choosing social insurance as the main focus of attention lie in the fact that in Spain, and contrary to other social protection schemes such as the British, social protection is overwhelmingly supported by social insurance, and other non-insurance programmes have less importance. The 'Minimum Income Scheme' (RMI), for example, which provides income support for people in extreme situation of need is completely decentralised and independent of the national social security system. The analysis of these latter benefits, therefore, goes beyond the time and space constraints of this research. Similarly, unemployment protection, although it is a key element of social protection, will not be analysed in the empirical research since it is not included within the rest of cash benefits in terms of data collection, administration and regulation.

³ The public system of cash benefits of the social security system (*pensiones públicas de la Seguridad Social*) consists of a main contributory scheme and a secondary non-contributory means-tested scheme. Invalidity, retirement and surviving are the main risks covered under the social security system. Widow benefits are the most important category of survivors although orphan and 'in family favour' also exists as two minor categories (see appendix 3). The contribution-related statutory social insurance has a general scheme (employees in industry and in the service sector) and special schemes for the workers of other economic sectors (agrarian workers, self-employed, seamen, miners, and domestic service). While the specific contribution requirements of the special regimes will be analysed (chapter 4) the data on cash benefits gathers all regimes. Data by regimes and by sex could not be obtained from the official statistics of the Ministry of Labour and the INSS.

However, apart from cash benefits, discussion also extends to social services in kind and the income tax system as two elements that are complementary to cash benefits (see chapter 4).

The assessment of the social security benefits is carried out by looking at the criteria for initial and ongoing eligibility, accessibility and generosity of all benefit types and how it affects men and women differently.

Considering the eligibility criteria, attention will be paid to the conditions of entitlement for each benefit, such as the contribution record (number of years of contribution required to qualify for the benefit) and the requirements of affiliation to social security (earning requirements, and other restrictions such as age, marital status, years of marital cohabitation, etc.). Women's access to benefits will be analysed by looking at the percentage distribution by age and sex in all contributory and non-contributory benefits.

The 'generosity aspect' will be studied by comparing average and minimum benefits between men and women in different age groups. The analysis will also concentrate on the redistributive mechanisms that operate within the social protection system, such as minimum pension policy, occupational schemes and the calculation used for initial pensions. These mechanisms are very relevant for women since they are created to break the relationship between contributions paid and the income received from the benefit.

The differences between individual and derived benefits, that is, benefits given on an individual basis or benefits given on a family basis, in terms of access and quality of the benefits, will also be studied since it largely explains patterns of gender stratification.

The treatment given to maternity and family benefits will also be explored to determine to what extent the system of protection allows for a real reconciliation between paid and unpaid work. Social services and taxation also need attention as complements to cash transfers. Changes produced over time will be assessed.

The second, and larger in scope, research question concentrates on the policy process. In particular, the analysis will focus on the key social security reforms. Using the outcomes of the previous question contextually, two main issues are set up as hypotheses for this part of the analysis:

- To what extent are women represented by social actors or as social actors in the policy-making process?
- How are gender equality issues targeted as objectives in the social protection policy process?

The study of social actors' participation in the policy process implies the analysis of the balance of power between the actors involved in the decision-making processes. In this investigation I will pay attention to patterns of neo-corporatism in the development of policy-making. By corporatism I refer to the description of a union system between the state administration, employers associations and trade unions for taking on responsibilities of economic and socio-political issues (Führer 1996). I argue that how these power relations are configured has an impact on policy-making and on women's policy intervention and structures of gender roles.

The Ministry of Labour and Social Security and the two main trade unions at national level - UGT and CC.OO.- (departments of institutional relations) will be analysed as the two main social actors intervening in the policy process. The Ministry of Labour and Social Security, through the INSS (National Institute for Social Security) has been responsible for the policy-making and implementation of social security reform. Trade unions are legitimised social actors in social security reforms although not always intervening directly.⁴

The analysis of the policy process will also require the examination of a number of factors that might also determine the contents of the agenda. These factors range from institutional arrangements, structural constraints and policy legacies and play a part in jeopardising the chance to introduce gender oriented policies.

While the relevance of the political factor in welfare state formation has been considered by focusing on the class coalition and the political structure between right and left political formations, a gender perspective will have to pay attention to how all these elements interact and affect gender relations.

⁴ What is commonly the third party in corporatist and tripartite agreements, the employers' organisation (CEOE) is not taken into account in this analysis. For two main reasons: firstly because the CEOE has not been a decisive power in most of the social security reforms. Secondly, because this organisation does not have any section or department devoted to women or gender issues. Representing the core entrepreneurial world, the employers organisation is not considered as a social actor that would act in the interest of women as either citizens or workers.

A main concern will be to assess the policy influence and access of women's advocacy institutions in the policy process. I use the concept of women's advocacy institutions or women's policy machinery to refer to institutional bodies, which have as a main objective the promotion of gender equality. The concept is taken from McBride and Mazur's (1995) work on comparative state feminism. These authors use the term 'women's policy machinery' to describe any structure established by government with its main purpose being the betterment of women's social status. I will refer to the term in a broader sense, including the governmental structure, the Women's Rights Institute, *Instituto de la Mujer*, and also the bodies responsible for gender issues inside trade unions, Women's Secretariat of CC.OO. and Women's Department of UGT.⁵

The concept of 'policy access' also comes from the afore mentioned study of McBride and Mazur (1995).⁶ I will apply it to my own research to refer to the capacity of women's advocacy organisations to intervene directly, as part of the policy process, or indirectly, by acting upon the actors involved in the process, in those policy arenas dealing with social protection issues. This part of the investigation also aims to discover the extent to which gender policies are strategically integrated with other public policies or whether they are designed and implemented in isolation. The organisational strength of the women's advocacy groups is meant to be fundamental to whether gender equality and discrimination in the social protection system obtains specific consideration. Policy formulation and implementation are considered as political processes, from this point of view, the absence of women from the decision-making processes has negative implications for the excluded group. Therefore, a basic assumption will be that a greater presence of these women's advocacy groups in the policy process contributes to integrate

⁵ The feminist movement as such will not be considered as an autonomous social actor for two main reasons. Since the beginning of the 1980s the political demands of the feminist movement have been articulated through public institutions (the IM) and organisations (trade unions). The IM represents the institutionalisation of the feminist movement and hence it is logical to assume that the chances of political success of the women's movement's demands will have to be analysed through this administrative body. Moreover, it has to be taken into account that social protection is a field where decisions are mostly taken within a labour relations framework. While in other areas of intervention grassroots movements or civil society organisations might exercise pressure upon political decisions, the chance to exercise pressure in this particular field come from within the actors legitimised in the process (in this case, the government and the trade unions).

⁶ MacBride and Mazur (1995) in their analysis on *Comparative State Feminism* used the concepts of 'policy influence' and 'policy access' to investigate the general effectiveness of state feminism in several countries. 'Policy influence' refers to the participation of each women's policy office in the formation of feminist policies that promote the status of women and/or undermine patterns of gender hierarchy. 'Policy access' is the degree to which women's policy machinery develop opportunities for society-based actors to exert influence on feminist policies.

gender issues into the policy agenda. The issue is theoretically dealt with in chapter 2 and empirically analysed in chapter 6.

Moreover, the research will also pay attention to what the different strategies towards gender equality and demands of the women's advocacy institutions in shaping policy outcomes have been.

Furthermore, it is important to evaluate how gender issues, in relation to the social protection system, have been conceptualised by the actors intervening in the policy process. The discourses and ideologies that embrace actors' strategies will be assessed by examining in depth 'solidarity' (*solidaridad*) as a strategic concept. Notions of solidarity were very present in the interviews I had conducted. The word appeared so many times in the interviews with policy-makers that I had no option but to place the meanings of the word in context and look for its implications when viewed from a gender perspective. I would argue that the definition of 'solidarity' as a key concept in the articulation of the social protection system is usually taken for granted. However, from my point of view, this supposition can be questioned and the concept might be redefined when looked from a gender angle. The investigation will look at the way in which notions of solidarity rely on assumptions about 'familialism', which includes unpaid work in the private sphere.

The empirical material used for this part of the research is a combination of elite interviews and documentary material (see appendix 1). Documentary and interview analyses are two complementary research strategies both dealing with the same empirical units (social actors in gender and social policies) and are used for the same ends (research questions and sub-hypotheses testing). The interviews are particularly important in this type of research. Since the direction of the research questions obliges a study of what *is not there* as much as *what is there*, in the sense that gender equality issues have not motivated policy changes in the social protection system, the verbal testimonies of the actors involved in the process are needed.

In addition to these accounts, documents are a valuable tool to analyse how changes in policy-making and choices in public policy affecting gender relations have been explained, sustained and constructed by the different social actors at a particular period of time. As socially constructed realities, institutional texts are inextricably linked to the social contexts in which they are produced (Miller 1997). Documentary research is also used to provide an exhaustive knowledge of the external circumstances determining options and decisions in the policy process. Finally, the use of two complementary

methods for this qualitative research gives more opportunities for reflexive elaboration and thus contributes to the validity of the analysis.

Structure of the thesis

The thesis is divided into two parts. The first part, in which this introductory chapter is included, concentrates on theoretical issues and background of the country that is the object of study. Chapter 2 starts with the development of feminist analyses of welfare states from a uniform and unilateral vision to a more complex picture of paradoxical and contradictory relations between women and welfare systems. The understandings of welfare state performances and the indicators used to measure welfare state development are criticised, from a gender point of view, for the use of a notion of social citizenship that excludes gender. Mainstream theory is challenged by feminism through the creation of a number of indicators that are either complementary or alternative to the pre-existing ones. The chapter finishes with the attempt to integrate the views on welfare states from a gender perspective within wider debate of challenging notions of citizenship.

The historical and contextual framework of welfare state development in Spain is analysed in chapter 3. The chapter offers a description of the evolution of the Spanish welfare state, with a particular focus on the social protection system, through basic socio-economic and political processes. The analysis tries to identify convergent and divergent patterns in relation to the main European welfare state models and the repercussions of these factors on gender relations.

Chapter 4 is of an empirical nature, and provides an overview of the performance of men and women in the social protection system, in terms of access and quality of the benefits. The variable 'sex' is analysed, together with age, using the information that is available offering a complete view of benefits' distribution. The study of the conditions of entitlements and type of benefits provides a comprehensive view of how the system is organised and what the repercussions are in terms of gender relations. The study of the basis of entitlement helps to clarify whether policies reinforce existing gender relations or transform them. The chapter aims to address a number of questions: to what extent is gender differentiation affected by processes of claiming benefits and by the existence of different programmes for family and labour market needs? Can we distinguish patterns of

dissimilarities in the way men and women are protected? Are men and women's social rights based on equal principles of independence and autonomy?

The material of chapter 4 provides the context to the following chapters. From the empirical evidence of gender patterns of stratification and inequality in the social protection system, the research moves towards the policy process' analysis. Thus, the first part provides a framework for the second part and also poses a number of unresolved questions to be adopted by the following empirical chapters.

Using the literature on policy-making, chapter 5 attempts to explain how the political agenda was configured from the beginning of democracy. It deals with the importance of policy legacy, policy objectives and policy discourses in determining the agenda's objectives. It examines what the constraints and/or the motivations have been for the consideration of gender issues in the political agenda and in the final implementation of the policies. Finally, it looks at how the power relations between the social actors, in particular the existence of corporatist relations, might have had an influence on final outcomes.

The empirical analysis developed in chapters 6 and 7 continue along the path initiated in chapter 5. Thus, these chapters share a common goal: to understand what the factors are that have conditioned the introduction of a more gender oriented social protection system, motivating or constraining policy change from the previous system, once democracy was established. Chapter 6 focuses on the policy access of women's advocacy groups. Chapter 7 unravels the false nature of apparently neutral notions of solidarity, in which the social protection system is rooted. Gender is understood by its absence. Social provisions rely on assumptions about gender and family roles that interact with the state and the labour market.

The last chapter ties together the analysis of the previous chapters reflecting the major research findings. The chapter also tries to reflect upon the implications of my findings for the theoretical understanding of the relationship between the welfare state, gender inequalities and notions of social citizenship. The chapter will return to the issue of welfare state regimes and gender regimes. The findings of my research will enable me to consider whether Spain can be placed alongside the major welfare and gender categories or whether it forms, along with the other southern European countries, a distinctive gender and welfare typology. Attention will also be paid to the social and economic challenges that social protection systems are currently confronting.

Finally, appendix 1 “Considerations on methods” offers additional information on some methodological aspects of the empirical chapters. Appendix 2 gathers together the secondary statistical data used in chapter 4 and appendix 3 is a selected audit of the main benefit types.

Chapter 2

The Gender Dimension of the Welfare State

Introduction

The study of gender and welfare state engages with key debates in feminist theory. From the feminist perspective, the point of departure in an analysis of the gender dimension of welfare states has been to focus on the public/private division. What is needed, it has been argued, is a theoretical focus that outlines the implications of a systematic gender difference in terms of access to social rights based on the public/private dichotomy. These dichotomies, widely used to explore the nature of women's subordination, are also relevant for understanding the complex relationship between gender and the state, which also relates to notions of citizenship. The present chapter investigates the specific form that these dichotomies adopt in the analysis of gender and welfare state relationship. Attention will be paid to the changes in the perception of the problem and the alternatives to mainstream analysis from a gender point of view.

The gender and feminist examination of welfare programmes and structure also encounters the broader contemporary debate about the nature of state intervention and social citizenship in present changing societies.

Early feminist views on the welfare state

The early approaches to the relationship between women and welfare states were polarised. The first broad perspective can be seen in terms of what Orloff (1996) titles 'the social reproduction of gender hierarchy'. The various schools of thought that come within this perspective, although differing broadly,¹ shared a suspicious -if not a wholly

¹ Radical Feminism understood the welfare state as an institution that reinforces the subordinate position of women through discourses of motherhood and caring as a female responsibility. They have tended to give a biological explanation to the universal oppression of women. The strategy of Radical Feminism in terms of the welfare state has been the creation of separate alternative resources for women. Socialist feminists have also understood the welfare state as maintaining male domination over women by focusing on women's role as family members (mothers and wives) with the whole range of domestic and caring responsibilities. Socialist Feminism concentrated on capitalism as a system of oppression for men and

negative- idea of the potential capacity of welfare policies to enhance women's independence. The basic idea was an understanding of the state and its social policies as maintaining social control and gender hierarchies under a patriarchal society. Thus, control was achieved through a number of legitimated means such as the gendered divisions of labour, the family wage system or the traditional family (Orloff 1996). The opposing position can be seen in terms of the potential for welfare states to ameliorate gender inequalities. Gender and welfare state relations are analysed from the assumption that welfare states work to reduce social inequalities and provide an effective instrument in reducing poverty among women.

These two main first incursions in gender and welfare state studies had two main problems. On the one hand the studies were for the most part made from the particular context of one country -overwhelmingly English-speaking and Nordic countries- reinforcing a fairly unified view of such relationship. On the other hand, by concentrating on women's position in comparison with men, features of gender differentials were generally neglected. Gender refers not just to two sexes but also to the cultural and social constructions of masculine and feminine roles, emphasising not only the specific conditions of each category but also their mutual dependency.

The uniformity and linearity of these two visions could not allow for an understanding of the complexity of national and historical variations and different patterns of gender roles. Feminist scholars have lately begun to recognise the complexity, multiplicity and at times contradictory nature of women-state relationships. Although recognising welfare states as systems of stratification and inequality between men and women, the emancipatory potential of welfare state policies is also pointed out. Policy is now seen more as an instrument that might promote different types of gender relations. From this point of view, efforts have been made to either complement mainstream measures to equally integrate men and women or suggesting alternative dimensions to assess gender differences in welfare state' outcomes. This contemporary approach also brings the recognition of the existence of different state formations and its implications in terms of gender.

women. Hence, one major concern has been to locate domestic labour within an analysis of productive relations.

The interaction between mainstream and feminist analysis has been particularly fruitful over the last decade. However, before examining this relationship in more detail, the key features of mainstream theory need to be explained.

Mainstream analysis of the welfare state. Notions of citizenship

Mainstream theories have always privileged the market-state nexus in welfare state's analysis. By so doing, only the class divisions are placed at the centre, leaving outside other types of social divisions such as gender division. The classical approaches to the study of the welfare state were based on the basic key variables of class, state, market and democracy. But despite these common traits, the approaches differed widely.

Classical political economy maintained that state's intervention was an obstacle to the healthy functioning of the market. Adam Smith, its main advocate, saw the production and exchange of goods and services within the formal economy as the only way to provide individual welfare (Pierson 1991). Marxism saw the state under a capitalist society as an instrument for the reproduction of social relations and in the interest of the capitalist class. The distribution of welfare under a capitalist society is meant to reflect market capacity rather than real needs (Pierson 1991).

Social, political and economic changes that took place during the 20th century - processes of industrialisation and urbanisation- would soon indicate the congruence of state provision of welfare and the development of a capitalist economy. Under this century's challenges the first studies of welfare states concentrated mainly on the origins of welfare states and in examining differences and similarities between specific welfare state formation. Some authors, collectively represented as the 'industrialisation approach' focused on the industrialisation process as the main explanatory factor in welfare state origins (Wilensky 1975). According to this view, economic and social changes brought by industrialisation forced the states to develop welfare programmes independently of particular political formations. From a different perspective, the 'class mobilisation approach' (Korpi 1978) placed the driving force of welfare state formation in the political power of left wing parties and trade union organisations. Finally, the 'state-centred view' concentrated on the specific features of a given state as the main influence in the building of a welfare system (Heidenheimer and Hecllo 1976).

However, given the evidence of different welfare state formations, current trends have focused on the construction of “ideal types” defined through certain dimensions of variation to draw a more accurate picture of welfare state formation and reflect more complex and multivariable explanations. A common feature of all mainstream studies however has been the emphasis placed on market-state nexus, with a unified point of departure: the concept of citizenship as an element that determines origins and characteristics of the welfare state.

T.H. Marshall’s paper “Citizenship and Social Class” published in 1950, was an attempt to understand the welfare state in terms of the development of citizenship rights and their relationship with class. Citizenship is defined as a status, which is enjoyed by a person who is a full member of a community. The author identified three components in the notion of citizenship: civil rights, institutionalised in the law courts; political rights: that guarantee the right to participate in the exercise of political power in the community; and social rights, embodied in the welfare state, defined as the right to participate in an appropriate standard of living. Marshall’s theory constitutes a progressive, linear model of the acquisition of rights, which follows a chronological order in all societies with civil rights coming first and social rights last. In this sense, Marshall’s notion of citizenship is clearly based on the Anglo-Saxon experience which makes it difficult to apply to other countries’ experiences, such as Spain where, as we shall see, to a certain extent social rights came before political and civil rights. The development of welfare states in different countries shows that the process of citizenship is much more complex than a linear model. Moreover the non-linear mutual interdependence between civil, political and social rights is also evident in another way. As Lister (1997: 34) explains “social rights, at least in theory, enable citizens to exercise their political and civil rights on equal terms and create the conditions for full social and political participation”.

However, what makes Marshall’s theory so important is his view of the contradiction between the principles of citizenship and the operation of the capitalist market. This relation between citizenship and the labour market is analysed by Marshall in terms of class. The analysis is very similar to the one developed by Hegel, what Donald Moon calls *Hegel’s dilemma*: “the moral dilemma that arises when citizenship is undermined by the operation of the capitalist market” (Pateman 1989: 182). The market leaves some individuals deprived of the resources for social participation and so they

become exiles from society. The problem therefore is that if full citizenship is considered to be achieved through the participation in the labour market, then those who cannot participate are deprived of such rights.

Esping-Andersen's *Three Worlds of Welfare Capitalism* (1990), one of the most influential studies of comparative welfare states' analysis of the last decade, uses two indicators that are directly influenced by Marshall's notion of citizenship: *de-commodification* and *social stratification*. In his own words:

“ Few can disagree with T.H. Marshall's proposition that social citizenship constitutes the core idea of a welfare state. (...) The concept must involve the granting of social rights. If social rights are given the legal and practical status of property rights, if they are inviolable, and if they are granted on the basis of citizenship rather than performance, they will entail a de-commodification of the status of individuals vis-à-vis the market. But the concept of social citizenship also involves social stratification: one's status as a citizen will compete with, or even replace, one's class position” (Esping-Andersen 1990: 21).

Therefore, what is meant by de-commodification is the degree to which social rights are guaranteed independently of pure market forces; when a person can maintain a living without reliance on the market. The concept determines the type of citizenship given in a society.

Furthermore, the concept of social citizenship also helps determine social stratification. From this perspective, the welfare state defines a specific type of stratification in our society:

“The welfare state is not just a mechanism that intervenes in, and possibly corrects, the structure of inequality, it is in its own right a system of stratification, an active force in the ordering of social relations” (Esping-Andersen 1990: 23).

Using the two indicators, together with an analysis of the employment structure, Esping-Andersen distinguishes three regime-types of welfare states in contemporary capitalist societies: *conservative*, *liberal* and *social-democrat*. Each one of the three regimes goes hand in hand with a particular attitude towards de-commodification, a specific form of social stratification and a distinctive labour market regime. The

conservative or corporatist welfare regime provides de-commodification in a limited form. It defends the preservation of status differentials where rights are attached to class and status and there is no commitment to full employment since women are discouraged from working. The liberal type minimises de-commodification effects and social rights are guaranteed on a minimum basis. The social-democratic type maximises de-commodification. The access to social rights is based on the principle of universality. This type of welfare is committed to full-employment.²

Finally, the three elements are influenced by the particular way in which the class structure has been organised. Esping-Andersen redefines the influence of the political factor substituting the existing 'class mobilisation' approach previously described, by the 'class coalition' thesis. Three historical forces are included in this category: the pattern of working-class political formation, the political coalition building in the transition from a rural economy to a middle-class society, and the past reforms towards the institution of class preferences and political behaviour. Applied to the regime-types, while the strength of left-party mobilisation explains the foundation of social-democratic regimes, the negative or insignificant effect of this variable helps to understand the formations of the liberal and conservative regime. In the last, Catholic-party strength and a history of absolutism were principal forces in welfare state formation.

The class coalition thesis underlines the importance of an understanding of power in terms of social relations more than in terms of social categories (Esping-Andersen 1990). From this perspective, the patterns of power alliances, such as neo-corporatism, and the structure of not only working class and labour parties but also of right-wing party power, are considered of great importance in social policy outcomes.

The feminist critique to mainstream approaches. Challenging citizenship

The basic problem, from a gender point of view, is that the study of citizenship does not lead these authors to deal theoretically with gender. The attention paid to class does not lead Marshall or Esping-Andersen to a particular mindfulness of women's position. By asserting the connection between social rights and social class, the

² The archetypical examples for each regime are: the USA, Canada and Australia as liberal welfare states. Australia, France, Germany and Italy as the representatives of the conservative type. The Scandinavian countries representing the social-democratic regime type (Esping-Andersen 1990).

problematic relationship between citizenship and dependency in the family is not considered. Hegel's dilemma has been analysed by Pateman (1989) in terms of gender, establishing what she calls the Hegel's second dilemma. In her opinion this dilemma is based on that category of individuals who are exiles from citizenship not because they do not find any one to buy their labour-power at a living wage, as happens in the first case, but because they are *incapable* of working. This incapacity to work prevents their integration into civil society as citizens. These groups are mainly women since "women naturally lack the attributes and capacities of the individuals who can enter civil society, sell their labour-power and become citizens. Women, Hegel held, are 'natural' social exiles" (Pateman 1989: 183). As a result, women are, quite often, not incorporated into the welfare state as independent citizens but as members of the family.

As has already been outlined, the understanding of this unequal position of women in citizenship and the welfare state, constitutes the core preoccupation of feminist theory. It highlights the problematic nature of the ideological foundations of apparently neutral concepts, in this case, the notion of citizenship. As Lister (1997: 3) stresses "the reappropriation of strategic concepts such as citizenship is central to the development of feminist political and social theory".

Thus, as has been argued before, there is a necessity for a theoretical focus that outlines the implications of a systematic gender difference in terms of access to social rights based on the public/private dichotomy. The meaning of citizenship for women needs to focus on other 'non visible' issues that have also given shape to the configuration of the welfare state. The public/private division in the study of welfare state and social policy is articulated in terms of two further dichotomies: those of dependence/independence and productive/reproductive.

Binary oppositions

Citizenship has been constructed through an intrinsic division between the attributes and capacities of the two sexes. The central criterion for citizenship has always been independence and such independence has always been associated with male "attributes" and "abilities". Men, but not women have been seen as possessing the capacities required of 'individuals', 'workers' and 'citizens'. Pateman (1989) outlines

three elements of independence: the capacity to bear arms, the capacity to own property and the capacity for self-government. In the democratic welfare state, she notices, citizenship is related to the last two dimensions. On the one hand, men's status as workers depends on their ability to contract out the property they own in their labour-power, on the other hand, the institution of marriage gives the right and obligation to men to be the breadwinner of the family.

If the meaning of independence is associated with men, the one of dependence has female attributes. Women are still not property owners to the extent men are and moreover, women enter into the protection category in terms of the dichotomy breadwinner/ housewife. "The category of 'breadwinner' presupposes that wives are constituted as economic dependants or 'housewives', which places them in a subordinate position" (Pateman 1989: 186). Moreover, women's economic dependency underpins the sexual division of labour. It creates and legitimates those inequalities both inside and outside the home. At the same time, it encourages male work incentives and, thereby, their relative independence of state monetary support. At this point, dependence/independence leads to the productive/ reproductive dichotomy, which is also constructed through the sexual division of labour. These two categories are particularly relevant in the discussion about the welfare state because they can make visible the way through which the welfare state can reinforce or attenuate women's subordinate position in the "reproductive" and private area by promoting certain types of policies.

However, the use of these two categories for gender analysis carries some problems. Basically these arise from the use of categories that belong to an ideology (Marxism) that, like the rest, has been gender blind. In very broad terms, the Marxist concept of reproduction applied to women would focus on the way that women at home have an indirect relationship to capital, through the function of reproducing the male labour force. As Pascall (1986) sees it, this analysis is valid in the sense that it places domestic work within the economic system, but it is problematic because women's relationship to capital is examined at the expense of women's relationship to men. Therefore, the analysis of reproduction needs to be placed within the broad understanding of the public/private divide. The way in which women have been relegated to the reproductive, dependent and private realm has to be seen not only as a consequence of the

dynamics of the economic system but also as a consequence of cultural and ideological patterns.

In fact, more than just a division of labour, the foundation stone of citizenship has been a very powerful gendered construction of irreconcilable categories. The opposition between independent male/dependent female, public man/private woman, male citizen/woman non-citizen assembles a whole web of antagonistic meanings, which not only has material evidence - to own or not to own private property- but relates also to a non-material emotional and physical world of interpretation. While the public male citizen is a disembodied and rational individual, the private female is embodied and emotional (see Valcárcel 1991; James 1992; Amorós 1997).

At this point, we should be able to recognise why social policy and welfare state analyses have been frequently made from the productive world and not from the world of reproduction.

“The difficulty is that the analysis is confined to productive relations. Thus most serious theoretical work on the welfare state concerns relations between capital and labour and the nature of the state in a capitalist society (...) reproductive relations are subordinated to the productive process, and are not themselves analysed” (Pascall 1986: 21).

The dependence/independence and productive/reproductive dichotomies, or more generally the public/private division, have significant implications in terms of the welfare state. By making the notion of citizenship only relevant to the public, independent, and productive sphere, the connection or the importance of the private, dependent, and reproductive world is completely ignored. And yet “the public character of the sphere of civil society/state is constructed and gains its meaning through what it excludes: the private association of the family” (Pateman 1989: 183).

Within this framework, the claims for women’s social benefits have been seen as a forced election between two different citizenship statuses. Either the caring and maternal activities women perform at home are recognised as a relevant citizenship category, bringing ‘motherhood’ to a political status (see Pateman 1992) or they are accepted under the “neutrality” of the term, participating equally with men in the public sphere and therefore vindicating the right for equality in a universal conception of citizenship. These two routes have important policy implications. Welfare states might establish strong family policies to enable women to raise children and do the caring having the protection

of the state, either through tax deductions or cash benefits. Conversely, social policy might also promote women's access to paid work and include them in the traditional labour market-state link for protection. Moreover it also determines the feminist strategies in terms of whether they place the emphasis on women's status under citizenship as carers or as wage earners.

However, the question is, are these two routes to welfare truly incompatible? To start with, the dichotomies dependent/independent and production/reproduction may obscure two important facts. First, the 'dependence' of women means also that men are dependent on them for care and servicing. Women's status in the home is not absolute but is conditional upon their being simultaneously depended on by others. For many women, being a dependent is synonymous not with receiving care but with giving it. Second, it also obscures the extent to which a proportion of the female population belongs under different conditions to the "productive world" of the labour market. The confinement of women at home can sometimes be more ideological than real.

For that reason there has been a wide range of literature that tries to 'deconstruct' the dichotomies, to disentangle the ways in which each part of the binary division includes and contemplates the other. The issue hints at the wider debate on the difference versus equality dilemma for feminism. The 'equality versus difference' debate has produced one of the most vivid discrepancies among feminists, although scholars have to a large extent recognised the false nature of the opposition. As Scott (1988: 44) argued, the problem is solved by the "unmasking of the power relationships constructed by posing equality as the antithesis of difference and the refusal of its consequent construction of political choices". In the case of dependence versus independence, by breaking the binary thinking, a third concept emerges and the connection between the two poles takes the stage. Lister (1997) for instance, talks about the trichotomy of dependence, independence and interdependence to underline the mutual reliance of the two categories. From here, welfare states have the policy option of not just privileging one citizenship status over another but significantly enhancing the combination of both. Taking this complementary view, the feminist strategy regarding citizenship finds a way to integrate the two sides of the old dilemma. Equality and difference can be combined in a definition of citizenship that challenges the sexual division of labour. The share of domestic responsibilities can be promoted, so that men and women have the chance - or the obligation- to combine unpaid

work at home with paid work. Also, the public infrastructure for the caring of dependant children and adults can be made available and more flexible ways to enter and exit the labour market can be fostered.

This deconstruction also stands for the breaking of the gender categories that the dichotomies have rigidly defined. By allowing for variation within each category a more complex picture arises. This is the case not just for the 'unified woman' but also for the 'universal man'. Men have also been trapped into a category where variation from the norm has equally been neglected. However, as previously argued, the recognition of multiple identities within the two categories does not have to undermine the case for political agency.

Revising welfare state dimensions of variation

Having raised the gender issue, it can now be understood what is problematic in Esping-Andersen's indicators of de-commodification and social stratification. In the case of de-commodification there are several critiques made with a feminist insight. First, the category fails to acknowledge the extent to which women already operate in a 'decommodified' domestic sphere and the extent to which their involvement in that sphere is a necessary basis for the 'commodification' of labour (Clarke and Cochrane 1993). The three components that define the degree of de-commodification are strongly connected to the market. Here we return to the discussion of Hegel's dilemma, those individuals that are temporarily social exiles, because for different reasons they cannot participate in the labour market. What Pateman calls Hegel's second dilemma reappears here, since women are not represented in the concept of de-commodification as independent citizens. Second, as Meyer (1994) argues, the social basis for de-commodification is not the same when we refer to men or to women. The foundation of the concept of de-commodification, the idea that the potential of social policy can best be measured by looking at an individual's degree of independence from the labour market is based on:

"The assumption that attachment to the labour market is the norm for all citizens and ignores the material and social reality of women, for whom a weakening of personal dependence through employment is an emancipatory step" (Meyer 1994: 81).

In this case, the welfare state can act as a commodification factor for women. Daly (1994) has also remarked that women's decisions to enter into and exit from the labour market are not determined by social security provisions to the same extent that men's are.

In the case of *social stratification*, none of the indicators used by the author to measure that concept takes into account the different access to social benefits in terms of gender and yet it is, as we have shown, a determinant factor in the effective functioning of the welfare state. The basic problem is that social stratification is mainly defined in terms of class inequalities and therefore it tends to devalue the significance of other inequalities, such as those related to the gender dimension.

Finally, the importance of the political factor in the evolution of welfare state regimes might obscure the fact that coalitions between social institutions and political parties might have supported in an implicit and unspoken common agreement the maintenance of sexual divisions of labour. These power relations might also determine the possibilities of women's movement in policy intervention.

Feminists have also emphasised the relevance of other spheres of the welfare state in determining gender relationships. Mainstream analyses have concentrated overall in social provisions and have not paid so much attention to the tax systems and provisions in kind, such as social services. However, the nexus between the state, the market and the family is built not only through social provisions in cash but also through these other spheres of the welfare state. The tax system is an important instrument for promoting preferred types of families and relationships within families. The different taxation mechanisms can reward or penalise women's work outside the home. Furthermore, state's provision in kind is also a fundamental component of the welfare state that influences in a crucial way the link between the market and the family.

Gender dimensions of the welfare state

Hence, when the interest is to appraise the impact of state policies on gender relations and vice versa, the Gordian knot becomes how to find gender dimensions based on an understanding of gender interests. This has been the most recent search for several feminist scholars of different backgrounds. Their starting points differ, some have chosen to use or complete existing mainstream typologies and dimensions to examine gender,

while others have decided to construct new categories and theorise alternative dimensions. Furthermore, some studies are based on comparative research while others are single case studies. However, despite these differences, they all contribute to the debate of the gender dimension of welfare states.

Some authors have made an attempt to modify or complement concepts -such as independence from the labour market- that are fundamental to mainstream theories. Orloff (1993), Bussmaker (1994), O'Connor (1993) are three major exponents of this scheme. Orloff puts forward the incorporation of two new dimensions to the concept of de-commodification. These two dimensions are *access to paid work* and *the capacity to form and maintain an autonomous household*. For the first case, the starting point is that commodification is potentially emancipatory for women and, therefore, de-commodification has to be changed by “a new analytic dimension that taps into the extent to which states promote or discourage women’s paid employment and the right to be commodified” (Orloff 1993: 318). The second dimension is meant to deal with the effects of state social provision on gender relations. The way she proposes conceptualising it is through an indicator of self-determination that would include independence from markets and marriages and a dimension based on women’s movements.

O'Connor (1993) has also emphasised the necessity to incorporate in notions of economic independence other types of independence that will be more likely to reflect women’s lives. In particular she advocates supplementing de-commodification with a concept of personal life, insulation from personal and public dependence as well as from market pressures.

In a similar way Bussemaker and Van Kersbergen (1994) search for a concept that would take into account independence as changing patterns of work and care, rights and needs between individuals, the state, the family and the market. As they argue, the concept “has to deal not only with economic independence but also with independence understood as the possibility of making choices and of insulation from emotional or psychological dependence” (1994: 24).

These works throw light on the direction to follow when the interest lies in analysing the relationship between women and the welfare state. Their contributions recognise the potential of social policy, not only by looking at an individual’s degree of independence from the labour market but also other types of dependency. As we have

seen, de-commodification is not an adequate indicator in two main ways. On the one hand, de-commodification does not consider the role the state can play as a commodifier agent for some social groups like women. On the other hand, de-commodification obscures the fact that women's independence might not be so strongly connected with the market but with their possibility to be free from caring and family responsibilities. Both aspects are considered, in one way or another, by the authors mentioned above.

The impact of state policies on gender needs to be assessed by looking also at the specific features of policy structure. The potential impact on gender stratification can be predicted by examining the needs identified, the risks covered and the entitlement to benefits. A policy structure that identifies risks on a labour market basis or that provides benefits not on an individual basis but on family dependency grounds, surely has an impact on gender stratification. As Daly (1994) puts it, to study the range of risks covered, the conditions of entitlement and the constructions of female and male labour, implies conceiving the welfare state as a set of ideological practices. To analyse the risks and needs identified in the configuration of policies implicitly means focusing on the denial of other social risks and needs. The failure to recognise or meet certain needs based on the different gender roles is another way through which policy might create or enhance relationships of dependency.

Equally important is the assessment of the outcomes of policy definitions since there might be policies, which claim to be gender neutral and, yet, produce unequal results. An example can be seen in the use of time as a resource that has been applied by some authors to the different access for men and women to social provision. Time policies tend to be a strong mechanism for the eligibility of entitlement for social benefits and therefore they should be analysed together with de-commodification for an understanding of under what conditions certain benefits are provided. Bryson, Bittman and Donathstead (1994) have juxtaposed paid and unpaid work and time use in studying the welfare state of Australia and Finland. According to their findings, patterns of time spent in paid work are far more similar between men of the different countries, than they are between men and women in their own countries. Scheiwe (1994) has also incorporated time in her study of the gender dimension of the German pension system, arriving at the conclusion that time is a key factor in explaining gender differences in access to retirement pensions and pension differences between men and women. While the analysis of stratification in

mainstream theory has considered the German welfare state as ‘status maintenance’ of different classes of employees, the gender system as an interacting stratifying structure is ignored. Scheiwe distinguishes between ‘female’ and ‘male’ time models. ‘Female times’ are characterised by larger time investments in unpaid care activities and servicing work outside the labour market and to discontinuous time patterns of employment or substandard working hours. ‘Male times’ assume full availability for paid work on time schedules that inhibit simultaneous fulfilment of caring responsibilities outside employment. In the German regime, Scheiwe argues, ‘female times’ are particularly disadvantaged because benefits are strongly dependent on long employment periods and because the dependent status of ‘wife’ is encouraged through social security provisions and tax law. “Women less frequently than men meet substantial time requirements, and this results in gendered tracks into different pension types” (Scheiwe 1994: 136).

In this sense and applied to the labour market, Maruani (1994) advocates the analysis of the social construction of sexual divisions within the labour market. She proposes replacing what has been the central concept in the sociology of work - “work” - by the concept of “employment”.³ Focusing on employment provides the possibility to examine the problems women have in accessing the labour market, and the conditions of those integrated in it. By so doing, the attention shifts from distinguishing just between who works and who does not work, to attending to the conditions and circumstances of employment (full time/part time; stability/instability) and non-employment.

A constant in the proposals we have seen is the necessity to recognise a gender dimension of social rights through *defamilialism*, that is, women’s rights outside family dependencies. Other authors draw attention to the need to consider the economic dimension of citizenship for women. As Hobson (1997) puts it:

“As welfare states become less and less willing to support benefits for mothers to remain at home (...) there is a need to develop theories that incorporate gender dimensions of economic citizenship” (Hobson 1997: 4).

³ The definition of work implies an examination of the conditions under which the professional activity is carried out (organisation and conditions of work, salaries, qualifications, etc.). Employment involves dealing with the problems of unemployment and “under-employment” (unqualified jobs, part-time contracts, etc.), and the access to the labour market (Maruani 1994:51).

With this in mind, Hobson proposes a model of gender disadvantage to analyse gender equality policies. According to the author, a model that incorporates gender disadvantage shifts the focus towards the institutional mechanisms and structures that produce gender disadvantage since systematic patterns of inequality are to be found in social relations of groups and institutional settings. Laws and policies reflect these relations and codify them.

However, the operationalisation of all these gender dimensions is still unclear in most of the cases. While the authors have mainly worked towards the conceptualisation of the new dimensions, their application in empirical analysis remains a hard task. The alternatives seem to work better as criticisms than as real replacements. What still remains problematic is the measurement of dependencies that do not belong to the market, dependencies outside the market sphere such as personal or psychological ones. Several authors have dealt with the issue of how to measure the economic contributions of the unpaid work women do at home. There are two major obstacles for the integration of unpaid work carried out in the private sphere into the economic structure. Firstly, there is a problem of definition and secondly, the methodological and technical trouble of data gathering. Regarding the first one, Durán (1994) holds that the pitfall stems from the consideration of the activity of 'care' not as a specific activity or right but as a responsibility and obligation. According to the International Labour Organisation, the definition and measure of tasks is easier when the process of transformation is visible. The difficulties are greater in those tasks that do not imply physical movement or transformation (ILO 1986 quoted in Durán 1994). However, this is not the case for intellectual or educational activities where the monetary value assigned is not directly linked to any visual transformation of goods. Moreover, as Salvador (1997) indicates, caring and domestic activities are hard to measure in monetary terms only when they take place in the private realm of the house. When the very same activity is performed by any public or private institution, then the product does have a market price. Therefore, and according to the author, domestic production and market production only differ in the nature of the relations of production and not in the nature of the final product nor in the efforts made or the goods used for that final product.

In the second place, most of statistical sources and analytical tools used for analysing social issues do not integrate gender and, frequently, the problem is how to test theoretical concepts that cannot be tested empirically. An eloquent illustration of this is the attempt by Millar (1997) to analyse the gender dimensions of poverty. According to the author, there is a conceptual and methodological problem in measuring poverty from a gender viewpoint. The unit of analysis is the household or the family through the concept of 'family income', which is a single measure resulting from the combination of all the sources of income coming into the family. However, as the author points out, the concept of family income starts from two key assumptions. First, that everyone in the family shares the income equally and they share the same standard of living. Second, that the source of the various components that make up the family income is irrelevant, all money coming into the home is equally available to be used in the same way. The outcome of this in terms of gender is that the category 'family income' obscures gender differences in the extent and experience of poverty, the concept then is not only a research tool it also plays an ideological function.

Gender and welfare state regimes

Despite the difficulties, there have been significant attempts to elaborate alternative clustering of welfare states to the ones defined by mainstream theory. The first try was the *breadwinner model* elaborated by Lewis (1992). She proposed a different set of criteria for constructing social policy regimes based upon variations in attachment to the male breadwinner ideology: *strong*, *moderate*, and *weak breadwinner outlook*. By studying the male breadwinner model the idea is to reveal the interaction of public and private spheres of life in the organisation of welfare which also implies the awareness of the role of women's unpaid work as providers of welfare. Recently, Ostner (1997) has introduced the breadwinner model within a broader concept of *individualisation* to compare welfare states. The concept involves two dimensions. The first one is the economic independence analysed through the strength or weakness of the male breadwinner model. The second one is independence from family obligations, measured by the existence of laws that enforce family obligations and the availability of full-time public services for children and the elderly.

The breadwinner model has been criticised for representing men and women in a very uniform manner. In relation to women, Daly (1994) has argued that:

“Lewis and Ostner speak of a two dimensional relationship to the state - mothers and workers- but modern welfare states are more likely to encourage combinations of activities on the part of women, and indeed to pursue contradictory and even ambivalent policies rather than to operate to a singular role construction” (1994: 113).

Men are also fixed into one category - as workers/breadwinners- but men’s relation with the welfare state does not only go in one direction, their family status is also highly relevant for welfare benefits. Arguably, the breadwinner model is probably too North-European centric. Countries such as those in the South of Europe can be included within the strong breadwinner category along with other European countries and that can obscure fundamental cultural and social patterns that differ broadly from other countries.

There have been more recent attempts to categorise gender regimes recognising a more complex reality. Sainsbury (1996; 1999) adds the *individual model* and the *separate gender regime* to the breadwinner model through a number of dimensions to explain the variation among the Scandinavian countries. These dimensions are: familial ideology; principles of entitlement; basis of entitlement; recipient of benefits; taxation; employment and wage policies; sphere of care; and caring work. Each model shows different patterns throughout all the dimensions.

Table 2.1: Three gender policy regimes

Regime Attributes	Male Breadwinner	Separate Gender Roles	Individual Earner-Carer
Ideology	Division of labour Husband = earner Wife = carer	Strict division of labour Husband = earner Wife = carer	Shared tasks Father = earner-carer Mother = earner-carer
Entitlement	Unequal among spouses	Differentiated by gender role	Equal
Basis of Entitlement	The principle of maintenance	Family responsibilities	Citizenship or residence
Recipient of Benefits	Head of household Supplements dependants	Men as family providers Women as caregivers	Individual
Taxation	Joint Taxation Deduction dependants	Joint Taxation Deduction dependants	Separate taxation Equal tax relief
Employment policies	Priority to men	Priority to men	Aimed at both sexes
Sphere of Care	Primarily private	Primarily private	Strong state involvement
Caring Work	Unpaid	Paid component to caregivers in the home	Paid component to caregivers in and outside the home

Source: Sainsbury (1999: 78)

Sainsbury uses these three models to argue that countries belonging to the same regime-type, the social-democrat one, demonstrate quite different types of gender regimes.⁴

Korpi (1999) has also tried to integrate gender into a comparative perspective of policy variation. The author has placed gender together with class into an analysis of different dimensions of inequality in the three main types of welfare states across eighteen countries. He has established three typologies of gendered welfare state institutions selected to reflect the ways in which public support to families is organised in a society. In the *dual earner model* women are encouraged to participate in the labour market, parenthood is combined with paid work and there is redistributive caring work within families. In the *general family support model* women are responsible for caring, and they

enter into the labour market as secondary earners. Finally, the *market-oriented model* allows market forces to dominate the shaping of gender relations. A number of indicators are created for each typology⁵ and the influence of political tendencies and women's performance in the labour market is also taken into account.

Table 2.2: Gender Policy Models.

Dimensions	General Family Support	Dual Earner	Market Oriented
Social insurance programmes for parents and children	Cash child allowances	Earning-related maternity leave	Minimum 'safety nets'
Taxation	Family Tax Benefits	Individual	Individual
Social Services	Public day-care services for older children	Public day-care services for children 0-2 years Public care for the elderly	Informal help. Market Resources
Employment	Women's participation is not encouraged	Women's participation is encouraged	Women's participation is encouraged
Social Insurance	State Corporatist	Encompassing	Basic Security
Welfare Regime	Corporatist-Statist	Social-democrat	Liberal
Political Tendency	Confessional/Conservative-centrist	Left	Conservative-centrist
Class Inequality	Medium/High	Low	High
Gender Inequality	Medium/High	Low	Medium

Source: from Korpi's typologies 1999.

These typologies carry the problem that in fact all typologies have to face, there can be infinite combinations and crossings between the typologies. Any typology eventually breaks down at several points when both different policy spheres and different countries are brought into the analysis. In this sense, both attempts seem to rely heavily on

⁴ Denmark is the nearest to the individual earner-carer model. Norway is the closest to the separate gender roles regime. Finland is a combination of both and Sweden has moved from a separate gender roles regime towards a individual earner-carer regime (Sainsbury 1999:81).

⁵ General Family Support: cash child allowances, family tax benefits to infants and to economically non-active spouse and public day-care services for older children (Belgium, Germany, France, Italy, Austria, Ireland and the Netherlands). Dual earner support: provision of day-care for pre-school children, policies for earnings-related maternity and paternity leave and policies supporting public care (Denmark, Sweden, Finland and Norway). The countries described as having a market oriented gender policy model (the UK,

the countries that have been used as a reference. I would argue that if the countries of southern Europe were brought into the analysis, a new category could emerge. Nevertheless, these are two genuine attempts and I shall keep them as a reliable reference for my case study.

Women as policy agents

Finally, several experts have pointed out the importance of considering the political participation as a dimension of the relationship gender-welfare states (Hernes 1987; Siim 1988; Lewis 1992; Orloff 1993; O'Connor 1993), understanding political participation as the influence over policy issues and control of power position. This implies an analytical focus that outlines, on the one hand, women's role in policy-making and their representation in the formal channels of politics and on the other hand, the impact of political structures on gender roles and gender relationships. Women participation in politics needs also to direct attention towards women's contribution in more informal forms of politics (Lister 1997).

The role of women as active agents in policy-making has received less attention from the feminist literature than their representation as recipients of social programmes. However, given the interdependence between social and political rights, political participation falls into another dimension of citizenship. It is often the case that the development of women friendly social programmes is directly connected with women's involvement in the construction of the policy. Also, women's access to social rights has given them the possibility of political participation. An understanding of citizenship as participation speaks for an expression of human agency in the political arena. In Lister's (1997: 36) words, "citizenship as rights enables people to act as agents". Sen (1992) has taken a broader view to suggest that aspects reflecting agency, what he calls 'the capability to achieve functionings', meaning the capacity of individuals to choose, should be considered as fundamental components of inequality. The lack of power is generally associated with fewer chances to make decisions.

USA, Australia and Canada) are those that show the lowest values in the rank-order in terms of the two first models (Korpi 1999:14).

Behind the issue of political participation lies the assumption that women have interests that are different from and potentially in conflict with those of men, which makes the case for women's interests to be represented by women in the policy arena. Phillips (1996) gives an example of this through her idea of a 'politics of presence', as compared with a 'politics of ideas'. 'Politics of presence' she argues, is a necessary step to overcome the problem of exclusion from politics. "Issues of political presence are largely discounted, for when difference is considered in terms of intellectual diversity, it does not much matter who represents the range of ideas" (Phillips 1996: 141). The politics of ideas, according to the author, cannot truly account for the experience of those groups that have been excluded from the political arena. Political equality needs, thus, the active representation of those affected, since policy proposals elaborated for certain groups but without their involvement may leave out important concerns.

However, the issue of women's agency can of course be contested: do women in politics share common goals? Are women politicians more able to achieve women-friendly policies? Do they represent women as a group? Sapiro (1998) takes a similar stand to Phillips' idea of a 'politics of presence'. According to her, women's exclusion from politics is not acceptable simply because participation is a fundamental political value in a democracy. This participation, Sapiro argues, has to be claimed independently of whether women define themselves as having special interests requiring representation. Women might not be conscious of the different social position they hold in relation to men:

"Part of the political relevance of some groups is that they have been systematically denied the means with which to form themselves into an interest organisation: self-consciousness and identification" (Sapiro 1998: 165).

Women working in politics might not work for women's interests at all. However, the fact that institutional agencies for women's rights represented through what is known as *state feminism*,⁶ together with other women's advocacy groups, are created to represent women's interest and promote equality, can be hardly disputed. The question is to what extent these institutions are actually effective in promoting the rights of women and

⁶ The term *state feminism* broadly refers to the institutionalisation of feminist interests. As McBride and Mazur (1995) explain, state feminism is integrated by feminist employed as administrators and bureaucrats in positions of power and women politicians advocating gender equality policies.

creating policies and practices that will reduce gender inequalities. The answer would require the assessment of what the strategies are, that are pursued by these groups in targeting gender inequality. The mere presence of these institutions is only one factor among many others, determining the extent to which governments respond to women's interests.

In this sense, Fraser (1997) describes three different gender equity models that support alternative ways to deal with the relationship between gender and the welfare state. The '*universal-breadwinner strategy*', a vision that, according to the author is implicit in the current political practice of most US feminists and liberals, aims at integrating women into labour market. The centre of this model is state provision of employment-enabling services. The '*caregiver parity model*', followed by Western European feminists and social democrats, attempts to place care work at a level with waged work in terms of social rights, giving priority to state provision of caregiver allowances. Finally the '*universal-caregiver model*', the strategy which Fraser thinks is best suited to gender equity, results from a combination of both, defending the right of both men and women to do caring and earning equally. The issue will be raised and further discussed in the following chapters.

Further implications

Although different analytical constructs from different perspectives have been examined, several unifying themes are revealed. The main idea is that the market-state nexus as a framework to analyse the welfare state is not satisfactory when women are brought into the picture. The family has to be included along with the market and the state. This has a number of implications: unpaid work has to be considered along with paid work. Attention to other types of independence apart from independence from the market is necessary, which means that the welfare state has to be seen not only as a de-commodifier agent but also as a commodifier (the extent to which state encourages - or discourages - women's independence from caring and family responsibilities). The fact that social provision is shaped by sexual divisions of labour and that, equally, social policies affect women and men in a variety of different ways has to be recognised. There is also a need to focus on the social construction of sexual divisions within the labour

market: women's access to the labour market and their conditions of employment. Finally, the dimension of political participation has to be integrated within gender and welfare state studies.

Today, a challenge to the nature of social citizenship rights is being demanded by other groups and social movements -i.e. ecologist and pacifist movements-. The dominant market paradigm that has framed welfare state development has been questioned and there is growing concern with uncovering patterns of oppression. The claims for this transformation go hand in hand with aspirations of political representation.

These demands gain strength when the problem becomes not just a question of justice but also a question of efficiency and social sustainability. The economic and social conditions under which welfare states developed have experienced profound transformations. Changes at both the macro and micro levels of society are generating unknown patterns of social inclusion and exclusion with which welfare systems are currently confronted.

On the one hand, there are profound changes in the nature of work. There is a great degree of fragmentation and diversity in the working histories of individuals that bring high complexity in determining the new needs and obligations of the different population groups. The links to the labour market are becoming more and more fragile, unstable and unpredictable for more people. As Offe and others (1996) argue:

“The capacity of the labour market to absorb wage labour under *normal working conditions* - professional, continuous, full-time productive activity within enterprises- is falling. The areas at the margins of the employment system, where the connection between wage labour and subsistence is uncertain, is beginning to grow” (Offe, Mückenberger and Ostner 1996: 203).

As a result, social programmes relying primarily on protecting labour market risks are not attending to the new demands and new needs that arise in society after shifts in the productive world.

Social and cultural changes also pose a threat to existing patterns of state protection based on the old definition of gender roles. The male breadwinner-female housewife family organisation provided the normative picture of most families but these gender roles are no longer tenable. Contemporary societies have more diverse and less predictable ways of organising social, family and individual life. If welfare states were, in

the “old times”, providing an effective protection to women, even if such protection was based on their status of dependency, now, with the new economic, social, and demographic changes, that protection is not just unequal but is also inefficient. Women are not so able to secure their existence on a continuous basis within marriage, since marriage is a status that affects a lower proportion of people. The very conditions of the ‘marriage contract’ have changed, divorce has become a frequent phenomenon and women have larger life expectancy than men.

This growing disjunction between existing social protection schemes and new risks and needs due to changes in the social and economic structure and changes in the life cycle, is for many authors a major cause of welfare state crisis. As Esping-Andersen (1996) argues:

“Part of the welfare state crisis today may be simply a question of financial strain and rising unemployment. In part, it is clearly also related to less tangible needs for new modes of social integration, solidarity and citizenship” (1996: 27).

Although this issue will be raised again in the last chapter, it is worth outlining here, summed up by Fraser’s (1996: 219) idea of a new *post-industrial welfare state*, that we need “something new, that would be suited to radically new conditions of employment and reproduction”.

Chapter 3

The Spanish Welfare State in Context

Introduction

This chapter offers a description of the evolution of the Spanish welfare state, paying specific attention to the social protection system, in relation to basic economic, political and social transformations to provide context for later gender analysis. The chapter will focus on the impact that the different changes in the political, economic, demographic and social spheres have had on gender relations.

The focus on the historical evolution is particularly important. Spain has not been the object of attention of sustained social policy contemporary research. The late development of the welfare state compared with that in other European countries, the absence of international data sources and the distance from contemporary developments in Europe have kept Spain outside mainstream analysis of welfare states. The few attempts to place Spain in a comparative framework initially aimed at constructing a new typology of 'late comers' or the 'Latin Rim' for the countries of southern Europe (Leibfried 1991; Castles 1995). However, these categorisations have usually strengthened the view of welfare state underdevelopment at the cost of recognising more complex patterns of welfare state formation in these countries, stemming from a significant degree of historical difference. Recently, and thanks to an increasing interest in the field, several authors have been more concerned with identifying the distinctive context and particularities of welfare formation and provision in southern Europe (Ferrera 1996; Rhodes 1997).

In this chapter and in the following one, the Spanish welfare state will be analysed paying attention to what I believe are two complementary perspectives. On the one hand, the convergent elements with other welfare state models and on the other hand, the divergent components resulting from specific historical evolution. I would argue that the development trajectory of the Spanish welfare state is hard to explain using existing theories of political influence in welfare state formation. The common and specific

features have had different repercussions on gender relations and might bring new insights to the relationship between systems of welfare and gender.

First steps

A unified system of social protection in Spain came as late as the 1960s. Before that date, different limited systems were created mainly to protect industrial workers. The first of these systems came during the Restoration (1876-1923). According to Guillén (1990), the period was significant in terms of its ideological formulations. Certain ideological groups within government -particularly Social Catholicism and Liberal Krausism - supported social reforms and social intervention by the state. Several laws were passed, one of the most significant was the Industrial Accident Registry in 1900, which was the first public protection for death and survival as well as for permanent invalidity of workers. The protection consisted of fixed compensations to cover the expenditure of burial and for the surviving dependants.

In 1908 the National Institute of Insurance (*Instituto Nacional de Previsión*) was created, considered as the pioneering institution of the future Spanish social welfare system. In 1919, the most complete and sophisticated system of protection of this period was constituted, the Compulsory Workers' Insurance (*Retiro Obrero Obligatorio*). It was a contributory system for workers with very strict conditions of eligibility. The system was financed by the contributions of the employees and a strong contribution of the central administration -around 25% of the total budget according to De La Villa (1985).

Nevertheless, the social protection programmes of this period considered the coverage of a very narrow set of risks. These were schemes only available to industrial low-income workers. Not surprisingly, the incipient model of social protection for workers coexisted with clear patterns of gender stratification that was institutionally encouraged. As Nash (1996) argues, the subordination of women under the Restoration was formally supported by a number of legal codes relying on the principle of gender discrimination.¹

¹ The Civil Code of 1889 established the dependency of the spouse to her husband. The wife had the obligation to obey, he was the legal administrator of the marriage goods and of her salary. Women could not undertake any public action without the husbands' consent (Nash 1996).

However, the Restoration's social projects were never adequately implemented. The dictatorship of Primo de Rivera (1923-1930) dismantled the project before it was put into practice.

The Second Republic (1931-1936) re-adopted the plans for the expansion of a system of social insurance but the sudden outbreak of the Civil War (1936-1939) left their projects unfinished. Factors that prompt Guillén (1990) to consider the years after the Restoration period as the "backwardness" of the Spanish welfare state.

In terms of women's rights, the Second Republic introduced fundamental changes in the legal treatment of women and the family (Cousins 1995). The Republic took away power from the Church, and the new Republican Constitution introduced new laws that favoured gender equality, such as the female suffrage, divorce by consent, and the abortion law reform. The Francoist regime however quickly modified these new laws, before any actual results were visible. The historical events that followed interrupted what could have been a way towards gender equality in several spheres.

Moreover, the Second Republic was a positive framework for the development of the feminist movement in the sense that it opened up the educational and professional opportunities of a large number of women, creating what Scanlon (1990: 87) calls the "social bases of feminism". However, the general repression of freedom in the following decades and the lack of historical roots of the feminist movement worked against the consolidation of any incipient process.² Feminism developed in this period at the theoretical level led by a reduced number of politicians and intellectuals. Although their work could not challenge the social order at that time, they became the reference for the future development of Spanish feminism at the end of the 1960s, beginning of the 1970s. The sharp political and social tensions of the period could not provide a positive framework for the creation of a common basis for feminists of different political and social background. As San José (1986: 40) points out, "the Spanish feminism never enjoyed a free and independent development, it was dragged by the more general conflict between the left and the right". The author also argues that women at that time were more directly identified with class origins than with gender divisions. There was a clear

² Feminism could not develop in Spain at the end of the 19th and beginning of the 20th century given the absence of the ideological and material factors that favoured the development of the feminist movement in other countries. According to Scanlon (1990) these factors are the growth of middle class, the existence of a political liberal tradition, a solid framework of parliamentary democracy and a protestant culture.

distinction between a bourgeois and liberal feminism and a socialist feminism. Although both groups demanded equal rights for women, liberal feminists emphasised the rights of middle class women while socialist feminists gave priority to working class women. Thus, class was an additional factor that marked the character of Spanish feminism.

The Francoist social insurance programmes

The real beginning of some kind of welfare state started after the Civil War under a non-democratic political system. The Franco's regime (1939-1975) developed social policy under what Moreno and Sarasa (1992) call a "reactionary despotic system". In the social policy area, the regime combined the action of the Catholic Church and of National Fascists (*Falange*) to develop a social insurance system based on charity and beneficence.

The regime is generally divided into two main periods: from 1939 to 1960 and from 1960 until Franco's death in 1975. The first twenty years were characterised in terms of social policy as an assistential state almost exclusively dedicated to (low income) industrial workers in an isolated economic context (autarky).³ Given the absence of political rights, the concessions in social rights can only be seen in terms of a mechanism of social control to the service of an authoritarian power. In 1947 the Compulsory Insurance of Old Age and Invalidity (SOVI) was created, the field of application and the risks protected were much wider than the previous one, in that non-professional invalidity was covered for the first time. In 1955 the risks covered by SOVI were extended to death and survivors with the creation of widow and orphan benefits.

At the organisational level and due to the insufficiency of the SOVI system, the National Insurance scheme were complemented with private insurance funds (*mutualidades laborales*), financed by the contributions of the employers and the employees. The system had a unitary structure, although the differences between the professional and occupational categories in the extent of risks protected still remained.

Nevertheless, both systems were still lacking in many aspects. SOVI was clearly insufficient in terms of the protection provided and the benefits of the private insurance funds implied an additional source of unequal protection among workers. The

³ The Spanish economy was preserved from external competition. Strong protectionist mechanisms were maintained to keep the "autonomy" of the productive system.

combination of both schemes often meant a duplication of resources and a lack of efficiency in the management area.

Although these two first decades of the regime cannot be considered as introducing universal social rights, the period is important in terms of social policy, since most of the provision was later included under the Basic Law of Social Security (*Ley de Bases de la Seguridad Social*) of 1963.

The weakness and inefficiency of the social protection system was compensated through the existence of a strong “traditional” family. During the first two decades of the regime, family programmes were a central part of the social provision system. In fact they were a complementary source of income for many workers (Valiente 1996). The first family allowances were constituted in 1938 -*subsídios familiares*- financed by the state and the contributions from employment. The beneficiaries were mainly civil servants and dependent workers. In 1954 family allowances became monthly payments for families with dependent children and a dependent spouse. Also in that year, the family bonus -*plus de cargas familiares*- was also created as a complementary family programme. This consisted of a supplement to the salary paid to workers with children. The bonuses were totally financed by the employers. Additionally, the state provided different sorts of loans, benefits, preferential treatment on tax, transport, school fees, etc. and even prizes for large families -i.e. families with at least four dependent children.

According to Valiente (1996), family policies under Franco had two main features: pro-birth and anti-feminism. Increasing the birth rate was an open and declared objective of the regime. As the author argues, “family policy was not a hidden or implicit policy but a recurrent theme in the rhetoric and propaganda of the regime” (1996: 102). Franco aimed at stimulating population growth reinforcing a specific family model: a male breadwinner family instituted by Catholic marriage and composed of as many children as possible. For women this meant the incompatibility of domestic and caring activities with any paid job. The family was understood to be a hierarchical unit. Indeed, the majority of the benefits were generally paid to the male breadwinner and the amounts of the benefits increased in the case of an economically dependent wife.

The profile of women and family policies under Franco was ideologically defined and encouraged by the powerful Catholic Church and the Falange.⁴ Apart from the family programmes, other measures were taken to constrain women's activities outside the home and the institution of marriage itself. The right of divorce, introduced during the Second Republic, was made illegal and the 'family law' was restored as a responsibility of the Church. Equality between legitimate and illegitimate children was removed, adultery and the use of contraception were penalised and the rights of women outside and inside marriage were severely restricted (Cousins 1995). From 1938 married women had to obtain permission from their husbands to work outside the home.

Thus, in its very rudimentary form, the foundations of the welfare state in Spain displayed certain similar patterns with the conservative-corporatist Bismarkian type of welfare state. That is, the system of social protection started to be shaped as a limited professional system with earning-related benefits, separate insurance programmes for different occupational categories, and financed mostly by contributions from the insured and the employers. Rights were attached to class and social status, largely dependent on a traditional conception of the family, where men are the family breadwinners and women are discouraged from working outside the realm of the house. As in the corporatist welfare state model, this configuration of the protection was determined by the social and political power of the Church.

However, we cannot ignore the fact that the socio-economic structure of the country differed broadly from the countries where Bismarkian welfare states first flourished. On the contrary, the uneven growth, large territorial disparities, the weakness of the institutions and the co-existence of informal economies alongside the formal ones, were all common features of the countries of southern Europe (see Ferrara 1996; Rhodes 1997). The underdevelopment of the social protection system during the first two decades of the Francoist regime placed a considerable distance between the actual organisation of society and the 'model' used as a reference. This is particularly true in the case of women's role. Although the regime supported the sexual division of labour between the productive and reproductive spheres, Spain's agrarian and subsistence economy could not

⁴ The *Sección Femenina* was a Falangist organisation that mobilised women (especially young women) across the country. The activities carried out in this organisation were all related with what was defined as "female work", i.e. domestic and caring work.

afford to keep women at home. Most families undertook some form of self-employed activity where the work of all its members was necessary. The confinement of women at home was in this case more ideological than real.

The institutionalisation of the welfare state (from 1960 to 1975)

During the 1960s, though still under dictatorship, several circumstances created the basis for the development of real welfare benefits. The *Authoritarian Welfare State*, as Rodriguez Cabrero (1989) termed it, developed within a context of important national changes. An unprecedented economic growth took place. Autarchy was progressively abandoned and the country began a process of international economic competition, although some protectionist policies were maintained. The new economic movement was shaped by the Stabilisation Plan of 1959 which, through different liberalising economic measures, promoted the introduction of new instruments of production, the restructuring of existing manpower patterns, and an increase in productivity (Guillén 1992). Full employment was reached although this is not a reliable indicator given that a considerable proportion of the active population migrated to other European countries. Female employment rates increased rapidly evidenced particularly in the service sector and mainly due to the development of tourism (Harrison 1978).

Economic growth triggered significant processes with a clear impact on everyday life. Massive migration movements from rural to urban areas provoked a rapid urbanisation development, and changes in traditional social and cultural patterns, such as secularisation processes, became visible.

One of the most important changes that took place during the 1960s was the transformation of family life and sexual patterns. As a consequence of women's participation in paid work, the birth rate began to fall after 1964. The traditional role of women within the family started to break down.

Thus, although political change did not come until the late 1970s, the behaviour and attitudes of the majority of society had already transformed the 'Spanish family' (De Ussel 1991). The emergence of new social transformations fostered the expansion of the social protection system in an environment of economic growth.

The Basic Law of Social Security (LBSS) - operationalised by the 1966 Law of Social Security (*Ley de Seguridad Social*)- was the first attempt to unify and integrate the social protection system through a financing basis of distribution, public management and an important economic contribution from the state. From the very beginning, the LBSS showed signs of structural deficiencies in organisation and management. In fact, not too long after its creation, a new legal reform was again necessary. Nevertheless, the LBSS is identified as a fundamental step, at least in theory, towards the creation of a 'universal' system of protection. Under the LBSS, social expenditure was consolidated as first function of the public expenditure, and attempts were made to increase the universalisation of the social security system and to improve public education and health. There was also a considerable increase in the proportion of population now covered by the protection of the public services.

As Rodriguez Cabrero (1989) pointed out, it was at this moment that the welfare state developed towards its institutional basis, being strongly based on income-maintenance social security programmes. The social security system, under the Basic Law, was compound of a number of occupational regimes⁵ that received special treatment in terms of the length of contribution periods and amounts of the contributions. Therefore, the protection varied greatly among the different types of workers.

As for family programmes, their importance in the system of social protection decreased substantially. Their value was rarely updated which meant that with the impact of inflation, the real value of these benefits between 1960 and 1970 went down. Moreover due to the new socio-demographic patterns of Spanish society, certain programmes such as those aimed at supporting large-size families, became obsolete.

The general progress in terms of social policy was still highly conditioned by the political situation and by the corporatist nature of the social protection system. In fact, several authors point out that the changes that occurred in the economic and social provision fields have to be deciphered more as a question of adaptation than the regime's

⁵ The General Regime is the central body of the system and gathers together all dependant workers of industry and services as well as those professional categories that are not given separate treatment through a special regime. In total there are five special regimes that, given their specific conditions of time, space or production, require special treatment. These regimes are: Seamen workers; Miners; Agrarian (dependent and self-employed); Self-employed workers and Domestic Service (dependent workers of domestic service in private households).

initiative to change. According to Giner and Sevilla (1984), the openness of the country in economic terms first and social terms later, during the 1960s, was not a planned strategy of the Francoist regime. As the authors argued:

“It is a mistake to attribute economic development and social mobility (after 1959) to the intentions and designs of Francoism. These occurred under the pressure of exogenous factors and with largely unintended consequences” (1984: 116).

Therefore, the social reforms of the 1960s meant overall a change in the dynamic of growth. The national social security system remained in the form of a general scheme for workers and several specific schemes for other professional categories, a large proportion of the population continued to be uncovered. However, it implied the change from a residual/assistential state towards an institutional state based on the social insurance principle. Although constrained by the political situation, the reforms of the 1960s created the basis for the real takeoff of the welfare system a decade later.

During the early 1970s there was a second wave of social reforms brought about by the social conflicts of the late 1960s, the end of economic boom and the growing demands of the urban population for social welfare. National and international pressure created a crisis of legitimisation forcing the regime to provide more generous social rights through an expansive social expenditure policy (Desdentado 1987).

Laws concerning education, social security and social assistance were introduced, accelerating the extension of welfare benefits and services. In 1970, the General Law of Education modified the structure of the education system.⁶ New legislation introduced in 1972 and 1974 were both attempts to correct the deficiencies of the social security system in terms of its management and rationalisation. These laws had as major objectives the increase in the intensity of protection, basically through the increase of the quantities of the benefits,⁷ and more flexibility in the conditions of entitlement, particularly invalidity and widow benefits. The immediate consequence of the application of this law was a certain increase in the number and also in the amounts of both these benefits (Desdentado 1987: 117).

⁶ The law established compulsory education until 14 years of age, unified secondary schooling and pretended to build a more meritocratic system (Bonald 1998).

In the opinion of Rodriguez Cabrero (1989), such extension of welfare benefits and the redistribution from profits to wages between 1970 and 1975 were the grounds on which the political democracy could be built as a process of political consensus. During this decade, social expenditure had its maximum annual growth in relation to the GDP. It increased from 37% of public spending in 1960 to 55% in 1970 and 65% in 1978. The process of universalisation was intensified. The main areas of investment were public cash benefits, education and health. However, the increase in public expenditure was also forced by high rates of unemployment -also connected with the return of migrants from Europe-. The expansion of social expenditure in a period of economic recession was, to a large extent made at the expense of an increase in public debt.

The welfare state under the 1978 Constitution

After the death of Franco, the 'reformers' of the regime headed by Suárez⁸ began a fruitful dialogue between the government and the still illegal opposition initiating the transition to democracy.

The way in which the political transition to democracy took place was, to a large extent, a result of already existing changes of mentality and values among Spanish society. Perez Díaz (1993) outlines the importance of the transformation of civil society during the 1960s and 1970s to explain the success of the political transition. By the time the transition took place, large sectors of society already identified themselves with democratic values. Moreover, Perez Díaz mentions how certain institutions had already initiated important movements towards democracy, which would afterwards facilitate the consolidation of the democratic process. The Church began a clear process of distancing from Francoism and the University system contributed to create an identity oppositional to the authoritarian regime itself. In the mid 1960s the economic, social and cultural institutions of Spain were already preparing themselves to live in a democracy, which explains, according to Perez Díaz, the considerable speed of the process of political change.

⁷ In this sense an important step was to reduce the distances between reference wages and real incomes for the assignment of pensions and not for administrative fixed rates

⁸ Leader of the Christian-democrat party UCD, prime minister after the first general election in 1977.

The changes brought by the 1960s provided also a positive framework for the awakening of the feminist movement. The traditional views concerning women's role started to be challenged. As Astelarra (1992) has pointed out:

“With the reappearance of clandestine organisations and the emergence of opposition groups, a space was created for the participation of women's groups that criticised the traditional concept of women's role. Although they mobilised a small proportion of Spanish women, these groups nevertheless launched the first criticism of Spanish patriarchal society” (1992: 43).

With the death of Franco, numerous women's associations became more strongly active.⁹ Thus, Spanish women's movement was defined by the political context in which it was born, that is, the democratic movement against the dictatorship. Most women's organisations were linked to anti-Franco and semi-clandestine opposition.

The feminist movement concentrated on two complementary sets of issues. They were involved with the general demands of left parties on political, social and civil rights. At the same time, these organisations were more specifically devoted to highlighting discrimination against women. The 1975 United Nations call for the International Women's Year, was an impulse for the feminist movement. As Threlfall (1996: 116) argues “the UN's call for non-governmental organisations to take action over sex discrimination both encouraged and protected the Spanish women's movement”. The first Congress of Women's Liberation held in secret and attended by 500 women, was, according to different authors, the starting point for the transformation of feminism into an organised and consolidated movement. A year later, the first Catalan Women's Congress (*I Jornadas Catalanas de la Dona*), supported by 4.000 women, represented the consolidation of the movement.

The 1978 Constitution, formulated with the agreement of all political parties, was clearly the first success of the democratic transition. The Constitution became, from that moment, the basic instrument of welfare state and social security regulation, signifying a benchmark in the orientation of welfare state policies. Certain welfare state's areas,

⁹The most active women's organisation was the 'Women's Democratic Movement' (*Movimiento democrático de mujeres*), closely linked to the Spanish communist party (PCE) and with an active opposition role against the dictatorship.

particularly health and education, were defined as fundamental components of universal citizenship's rights.

The Constitution established the catalogue of civic, political, and social democratic rights. In terms of social security, the document designed a model of social security that consisted of a mixed system of social benefits that included the health assistance, contributory and non-contributory public cash benefits and social assistance and services.¹⁰

In terms of the equality between the sexes, the Constitution introduced the formal equal rights of men and women in every sphere, from legislation, to education, politics and employment. Others measures adopted were the legalisation of contraception (1978), equal pay legislation (1980), divorce by consent (1981) and equal rights of men and women inside marriage and of children born outside and inside marriage (1981) (Cousins 1995).

However, as will be explored in more detailed in chapter 5, key issues of women's rights were not incorporated to the final document. The Constitution did not have any reference to birth control and abortion rights, two important demands of feminists. These issues were an important source of confrontation between left and right, and given the consensus character of this policy process, they were the kind of issues that had to be left aside. Feminists inside left political parties soon became, as Threlfall (1996: 116) puts it, the "opposition within the opposition" in the sense that they had to convince their male colleagues of the necessity to include gender issues in the political agenda.

Notwithstanding, the Constitution was the first legal document in contemporary Spain to establish formal gender equality and it was under the UCD centre-right government of Suárez that important rights for women were recognised in practice. However, unlike most of the centre-right and conservative parties in other European countries, the UCD did not implement family policies. In fact it was during UCD's period

¹⁰ At the organisational level the competencies were divided between the different territorial levels. The central administration becomes responsible for the legislation and formulation of all social protection policies and for the economic management of the social security system. The regional entities become responsible for the management of certain benefits such as assistential and non-contributory benefits. The Constitution also considered the further development of the decentralisation process in the organisation of programmes and resources. The management of social protection is grouped in four main administrative entities: National Institute of Social Security (INSS), National Institute of Employment (INE), National Institute of Health Care (INSALUD), and National Institute for Old Age and Disability contingencies (INSERSO).

in office that budget for most family programmes were reduced in practice because benefit levels were not adjusted in line with inflation.

According to Valiente (1996) there are three main factors that explain the almost complete absence of family policy issues in the UCD public discourse and political priorities. First, other matters such as the creation of a legal framework for political action had priority in the consolidation process of democracy. Secondly, the consensus stance that characterised the transition implied that actors had to concentrate on those issues where agreement was possible. In that sense, family programmes were the types of issues to avoid because they contained echoes of the Francoist rhetoric. And thirdly, the absence of a unified public institution specialising in family affairs.

Limits and potentialities of the expanding welfare state (from 1982 to 1990)

The transition period is said to culminate with the first victory of the socialist party PSOE in 1982.¹¹ Two contradictory processes in the field of social and economic policy marked the first two terms of office of the socialist governments. The necessity of modernising the economic apparatus and achieving a greater convergence with Europe led to a political economy that was trying to accomplish a higher degree of flexibility and de-regulation in the labour market. The political weakness of the first years of democracy and the context of the economic crisis were not a favourable environment to accomplish structural reforms in the productive apparatus that were, however, urgently needed. Additionally, the international context of progressive economic globalisation imposed measures of de-regularisation, labour flexibility and public expenditure restraint in all nation states. Thus, as a major legacy from the previous period and under the pressure from outside, one of the main objectives of the first years of PSOE rule was the modernisation of the productive apparatus. The government fostered a process of economic 'rationalisation', timidly initiated by the previous UCD government. This process involved macro-economic reforms concerning large economic sectors and

¹¹ PSOE obtained majority in the first three general elections (1982, 1986 and 1989). In 1993 it lost majority and formed a government with the support of the nationalist Catalan party CiU. PSOE's period of office ended in 1996 when the conservative party PP won the elections and formed government with the support of CiU.

restructuring of ‘unproductive’ industries.¹² Two important social consequences were the moderation in wage increases and the reduction of workers in these economic sectors through early retirement and unemployment benefits. High levels of unemployment appeared revealing its definite structural character.¹³ These policies were coupled with a stabilisation in the level of social spending.¹⁴ Moreno and Sarasa (1992) argued that the heavy financial burden linked to these policies and the large resources needed to accomplish the ‘competitive rationalisation’ of industries have prevented the Spanish state from becoming an important machine of job creation.

Parallel to this neo-liberal economic policy, issues of equality and social rights became legitimate political values. PSOE’s commitment to social-democrat ideals and the integration of Spain into the European Union in 1986 were factors that enhanced the development of the welfare state. As Rodriguez Cabrero (1998) points out, the European Union, while imposing liberal economic policies, also favoured the maintenance and development of social protection systems, highly legitimised from the political point of view as being an important part of the social capital and political culture of the European Union.

The widening of the Spanish welfare state was achieved through the universalisation of some of its spheres. The balance has been partly achieved through a high degree of universalisation in the areas of education and health, which have had a redistribution effect on family incomes. The health system¹⁵ started its transformation from a previous configuration along professional lines and financed through workers and employers contributions to a universal system totally financed by the state. The state was also fully responsible for the education system¹⁶ in its financing and public offer, introducing a principle of equality of opportunities aimed at balancing out the differences between private and public education.

The policies targeted at universalising rights and income redistribution showed positive effects on certain spheres of social life. In relation to poverty rates, different

¹² The share of employment in the different economic sectors changed substantially over the period of a decade. In 1975 the share of employment was 22% in agriculture, 38% in industry and 40% in services. In 1985 the relation was 16%, 32%, 52% respectively (European Commission 1999).

¹³ In 1984-1985 the unemployment rate was over 20% (Perez Díaz 1993).

¹⁴ Almost half of the public spending growth during the first years of the Socialist government was dedicated to the payment of public debt interest (Moreno and Sarasa 1992: 26).

¹⁵ Royal Decree 137/1984 and the General Law of Health (*Ley General de Sanidad*).

¹⁶ Organic Law of Education (*Ley Orgánica de Derecho a la Educación*) LODE 8/1985.

studies (Del Río and Ruíz Castillo 1997; Ayala and Martínez 1999) have demonstrated the decrease of the levels of poverty during the 1980s. Throughout the decade, there was a reduction of traditional forms of poverty, particularly among old people. According to Ayala and Martínez (1999), the extension of contributory and non-contributory retirement and invalidity benefits helped to contain poverty levels. “The data reveals that during the 1980s Spain was, together with Italy and France, the EU country where poverty rates for people over 65 of age were the most reduced” (1999: 660).

The improvements in education, health and well-being of the society generated the acceleration of socio-demographic changes already initiated in the precedent decades noted earlier. The speed of the changes created what Garrido (1992) has called the ‘two biographies of women’. The life experiences and the personal expectations of younger and older generations of women were increasingly divergent. The decrease of birth rate has been unprecedented from 1977. The number average of children per woman decreased from 2.9 in 1970 to 1.9 in 1982 and 1.2 in 1992 (IM 1992), and since then has dropped below the replacement rate. Moreover, the age of women giving birth for the first time increased (IM 1992).

The institution of marriage also experienced profound changes. The marriage rate¹⁷ decreased from 8% in 1972 to 5% in 1982, and the increase of separation and divorce since 1981 (when it was legally re-established) until 1990 has been 120% in the case of separation and 140% in the case of legal divorce (IM 1992).

Contradictorily, however, socio-demographic changes were not coupled with labour integration of women. Although, from 1980 there has been a constant increase of female activity rates,¹⁸ which runs contrary to the previous era, when female participation in the labour market fluctuated, depending on economic cycles (Carrasco and Mayordomo 1997), female employment rates were still very low in comparison with men and also in comparison with the other European countries. The activity rate (as a percentage of the working age population) was 34% for women in 1985 (80% for men) and 41% in 1990 (78% for men). These percentages, although considerably lower in comparison with most

¹⁷ Number of marriages by 1000 inhabitants.

¹⁸ From 1980 to 1995 total activity rate increased to 2.5 million people of which 2.1 million were women. That means that approximately 85% of the increase in activity rate was female. Considering age, the most spectacular increase in the activity rates has been for women between 30 and 40 years of age. The age group from 30-34 increased from 38% in 1984 to 56.3% in 1990 and 61.4% in 1993. The next age group (35-39) went from 31.9% in 1984 to 49% and 56.9% in 1990 and 1993 correspondingly (CES 1994: 56).

European countries, have been approaching the EU standards (50.9% in 1985 and 54.8% in 1990). However, as the employment and unemployment figures show, the significant increase in activity rates does not always imply improvement in employment prospects for women. The employment rate (as percentage of the working age population) was 25% in 1985 (64% for men) and 31% in 1990 (69% for men). Again, the distance in relation to the EU average has decreased, but is still significant (45% EU average female employment rate in 1985 and 49.4% in 1990). Unemployment was high for both men and women, but much higher for the latter: 25% in 1985 (20% for men) and 24% in 1990 (12% for men). EU average was 11.7% for women and 8.8% for men in 1985 and 9.8% for women and 6.3% for men in 1990 (European Commission 1999). Youth unemployment (percentage of the population from 15-24) for women was also much higher in Spain than in the rest of the European countries including those of the south European countries.¹⁹ The high levels of long-term unemployment also affect women significantly.²⁰ During the 1980s, long-term unemployment was concentrated among young people seeking first employment, a decade later, however, the profile was adult women with family responsibilities, with job experience and intermediate educational levels (Gutiérrez and Guillén 1998: 24).

At the organisational level, the 1980s were also characterised by two other important features. Firstly, there was a progressive decentralisation of the public administration and, secondly, the administration initiated a partial process of privatisation in certain spheres of the welfare state. Considering the first point, the administrative and political decentralisation means that the home nations and regions (*Comunidades Autónomas*) started to assume responsibility for the planning and implementation processes of social policy. However, the decentralisation process has not occurred equally in all spheres of the welfare state nor has it been a homogeneous process. Some regions, the 'historic home nations' like Catalonia and the Basque Country, have obtained more power and responsibilities than other regions. Gomà and Subirats (1998) have attempted

¹⁹ In 1985 female youth unemployment was 19.7% in Spain; 14% in Portugal; 14.5 in Italy; 14% in France; and 10.8% in the UK. In 1990 the figures were 16.8% in Spain; 6% in Portugal; 13.2% in Italy; 9.5% in France; and 6.4 in the UK (European Commission 1999).

²⁰ Long-term unemployment (% of the labour force) 1985: Spain 16.2%; Portugal 7.1%; Italy 9.2%; France 6.3%; Germany 4.0%; and the UK 4.0%. In 1990: Spain 14.8%; Portugal 3.2%; Italy 9.9%; France 5.4%; Germany 2.5%; and the UK 1.5% (European Commission 1999).

to measure the degree of input of each governmental level in the elaboration of public policies. In the case of the different welfare state domains, the authors conclude that while in health, education and housing policies, the decentralisation process has largely transferred central state responsibilities to regional governments, in the social protection sphere the state remains responsible for the planning and the implementation of the policies. Decentralisation has merely occurred in the administration of assistential and non-contributory benefits.

In relation to the second aspect, there has been an increasing role for private and voluntary organisations (particularly the Catholic organisation *Cáritas* and the Red Cross) in the financing and administration of social provisions. The Church and the Non-Governmental Organisations receive state funds from income tax (IRPF). Regional governments and local councils give economic incentives and grants to those institutions dealing with social issues. The main groups of attention are the elderly, handicapped and immigrants, and increasingly victims of domestic violence and ethnic minorities. However, the co-operation between these institutions has been scarcely institutionalised (Rodríguez Cabrero 1998).

Continuity in the social protection system

Despite the major progress in the extension of the welfare state, the social protection system displayed unequal results. Although, from the 1980s the socialist government did accomplish strategic shifts of content in certain policies such as taxation, education, health and territorial policy, such changes did not impinge on the social security system that remained largely occupational. The historical legacy was in this case translated into an adaptation of the old model without any major questioning of its foundations.

The legal reforms taken during this period aimed at consolidating and strengthening the professional system. Thus, the central point of the legislation in 1985 was the reform of cash benefits, particularly the law aimed at reinforcing the professional, contributory and proportional character of retirement and invalidity benefits.²¹

²¹ The contribution period providing access to benefits was extended (from 10 to 15 years) and the period defined to calculate the amount of the retirement pensions was also widened (from 2 to 8 years).

Parallel to the strengthening of the contribution principles, reforms were carried out to separate the nature of the protection between a core professional scheme and an assistential and subsidiary non-contributory scheme. The 1989 reform of the financing structure of the social security differentiated the sources of financing in relation to the nature of the protection given, distinguishing between contributory benefits financed basically through social contributions, and non-contributory benefits financed through taxes. This distinction became even clearer with the 1990 Law, which established the old age and invalidity non-contributory benefits, for persons in need and without enough economic resources.

Thus, although efforts had been placed on universalising the cash benefits system and the protection of unemployment, the Spanish social protection system continued, after these reforms, to be mainly a system of income maintenance to those citizens who have made contributions to the system during their working life. Income maintenance is based on occupational status and there are different schemes for private employees, civil servants and the self-employed, often with widely differing regulations concerning contributions and benefit formulas. This trait of income maintenance coupled with labour flexibility creates a polarisation with regard to the protection offered. It provides a reasonably large degree of protection to the main sectors of the labour force well integrated into the core labour market. However, there are important social groups that do not belong to the formal economy on a continuous basis, and therefore have weak subsidisation. Critically, this is largely the case for women. A large proportion of the female population are outside the labour market and those that are in paid work are in precarious and unstable employment.

The difficulty for women in accessing the labour market and the characteristics of the system of social provision have contributed to a slowing down of the emergence of new patterns of socialisation and the breaking off of traditional sexual roles. The promises of modernisation take longer to consolidate. The family continues to be a vital institution of social protection for a large proportion of citizens. This has encumbered the progress for women's economic independence, and equally made it hard for many individuals to receive care and protection outside the family.

The political interest in gender equality

Changes in the political culture fostered the consideration of gender equality as an accepted political value. PSOE came to power with a manifesto commitment to gender equality and promotion policies. There was an explicit political desire to change the situation with reference to gender inequalities. It was under the first socialist government that the feminist movement was for the first time given a space within a framework of political and institutional representation. The ‘institutionalisation’ of the feminist movement or *state feminism*, as it has been called in other countries with similar experiences, was formalised in 1983 with the creation of the Women’s Rights Institute (*Instituto de la Mujer*). This public body has had relevant implications for the evolution of gender issues in Spain.

The creation of the *Instituto de la Mujer* (IM) was a demand of the feminist movement in the early 1980s, learning from the experiences of several European countries, particularly France and Italy. According to Valiente (1996) the most important factor in the creation of the IM was the acceptance within the PSOE government of the demands made by certain sectors of the women’s movement during the late 1970s and early 1980s. These sectors, Valiente argues, were frequently ‘double activists’, that is, women equally involved in the socialist party and the feminist movement, with a clear conception of gender discrimination in the different spheres of Spanish society and with a considerable influence within the socialist party and therefore within the government. From 1984 until 1995 the budget of the Institute tripled in nominal terms, which indicates the commitment of the Ministry responsible of the Institute²² towards its consolidation. The relationship between the institutional body for gender equality and the Ministry of Social Affairs were fluid given that the two heads of the Ministry during that period were women clearly identified with the women’s rights movement.

In short, several factors, both at national and supranational levels created a favourable environment for the development of the feminist institution. As Threlfall (1996) argues:

“It is doubtful that any other European country experienced a comparable phenomenon, not just because the government that acted as its patron was re-elected four times, but

because the earlier European reigns of social democracy occurred before second-wave feminism was in full swing” (1996: 124).

The policy of the IM focused on two equal opportunities’ schemes (1988-90 and 1993-95). These programmes were created under the direct influence of the Action Programmes of the European Community. The main goals have been from the beginning the study, information and report of sexual discrimination and the definition of the governmental strategy towards gender equality. The procedures have consisted of measures of positive action mainly in the areas of education, employment, and political activity.

It is worth noting that the emphasis placed on equal opportunities policies for women was directly correlated with a rejection of family policies by the IM, most of the feminist movement and socialist feminists, since family policies were still considered as a Francoist inheritance. The family was seen as a site of oppression for women, and therefore efforts were made to act politically on behalf of women alone and not in the name of women as part of a family unit. As Valiente (1996) notes, the best family policy was, at that time, a non-policy.

Other bodies for gender equality at regional and local levels were also created.²³ The IM also gave an important percentage of its budget to fund women’s organisations across the country.

A second political resolution adopted by the socialist government was a quota system created in 1988 by decision of the party congress. The goal was to achieve the representation of women in all levels within the hierarchy of government’s bodies in a percentage of no less than 25%. The participation of women in parliament within the socialist party increased from 7.1% in the 1986 election to 19.4% in the 1989 election. However, although female representation in government and in the party PSOE increased in relation to the previous period, it did not fulfil the promise of the 25% representation.

²² The IM was, from its creation, an autonomous body dependent from 1983 to 1988 on the Ministry of Culture. From 1988, the Institute became part of the Ministry of Social Affairs.

²³ The foundation law of the Instituto de la Mujer contemplated the establishment of relations with institutions of similar nature in the autonomous communities and local councils.

The new political framework of the 1990s

The economic recession and the new economic demands of the 1990s intensified the dual conception of the social protection system. The Maastricht requirements for European convergence for instance, led to a restrictive monetary policy. The new political framework resulting from the 1989 national elections, and consolidated in the 1993 elections, also had important repercussions. PSOE lost majority in Parliament and had to govern with the support of the centre-right Catalan nationalist party CiU. The new 'political ally' had strong demands in terms of restrictive expenditure policies with a regressive social profile. The centrality of anti-inflation policies, the partial privatisation of public enterprises, the assistentialisation of universal services and a new financing model for the regions were some of the important demands (Gomà and Subirats 1998). The support of CiU was also visible in the withdrawal of certain issues from the political agenda, such as the reform of the abortion legislation. Labour and economic policies penetrated deep into the deregulation of the labour market²⁴ although at the same time, the government introduced active employment policies and the creation of the tripartite consultative economic and social council, CES (*Consejo Económico y Social*).

In this period, social policy has been firmly subordinated to economic policy producing a wide gap between an extremely flexible and liberal economic policy and a system of social protection still based on traditional labour market patterns. The combination of access to the labour market of non-traditional active labour force together with the new configuration of the labour market as a consequence of the political and monetary economy imposed new challenges for social policy. The disproportionate growth of temporary contracts and high labour flexibility²⁵ affected mainly young people and women. Most of these workers did not have access to any kind of social protection.

The income-maintenance basis of the social protection system and the neo-liberal principles of the economic policy, together with the consolidation of the decentralisation process, have generated, according to several authors (Ayala 1995; Mangen 1996) the rise

²⁴ The 1994 reform of the labour market created new short-term contracts with little or no social protection (no right to unemployment and no right to temporal incapacity). This made redundancies easier and cheaper. Enterprises of temporary work were also legalised.

of spatial and social exclusion processes. Core-periphery territorial effects increased due to differences between regional communities. The social core-periphery effect is twofold. First, within the labour market there is an increasing distance between those with stable full-time employment and a second group, in a very unstable and precarious employment situation, frequently associated with lower pay. Second, the effect also applies to the performance of the social protection system that distinguishes between a large group of workers entitled to receive benefits and another group who is not entitled to receive any kind of public protection and have no access to private insurance.

The increase in poverty rates during the 1990s shows this rise of new patterns of social exclusion. If, during the previous decade, poverty rates went down, this tendency is now being reversed. According to Ayala and Martínez (1999) the relationship between unemployment and poverty has been more intense during the 1990s than in the previous decade.²⁶ The authors argue that there are three main reasons that explain this closer link between (non-) access to the labour market and situations of poverty. Firstly, the public system of protection, particularly the unemployment benefits, reduced its capacity as a safety net. Secondly, the labour market is increasingly segmented and thirdly, there has been a decrease in the capacity of informal networks, mainly the family, to provide protection when the state fails to do so. People under the age of 30 and single mothers²⁷ appear now as two new groups most likely to be affected by poverty.

Nonetheless, as happened during the 1980s, the *feminisation of poverty* is still largely a result of the number of old women living in poverty. According to Adelantado (1998), 40% of households headed by a woman over 65 live in poverty.

Focusing specifically on women's access to the labour market, some authors (Carrasco and Mayordomo 1997; Guillén 1997) indicate that the clear disadvantage of women in terms of access to paid employment lead to adoption of different employment patterns mainly according to education and age. There is clear segmentation between young women that have had access to some kind of training and have had the possibility

²⁵ Fixed-term contracts increased from 18% in 1985 to 38% in 1994 for female workers (percentage of total employment) and from 14% to 31% for male workers. Part-time employment represented in 1990 12% of female employment and 15% in 1994 (European Commission 1999).

²⁶ Their work shows that during the 1980s the increase of unemployment was parallel to a reduction of poverty rates. However, during the 1990s and compared with the previous decade, both, unemployment and poverty rates increased (Ayala and Martínez 1999).

²⁷ According to CES (1995), 85% in 1990 and 87% in 1995 of single parent households were headed by women.

of labour integration with the expansive cycles of the economy, and older women who have had no chance of receiving training. Education plays a major role in labour market opportunities for women. Women with high educational levels have had greater opportunities to work overall in the public sector and to a lesser extent in the private one. These women represent the group with higher levels of continuity in their labour market participation and thus higher access to protection. Nevertheless, female youth unemployment (19.5% in 1994) is still much higher than the EU average. Moreover, employment insecurity particularly hits women. The percentage of women on fixed-term contracts was almost 40% in 1994. This percentage is much higher than any other EU country (for instance France 12.4% and Germany 11%). These figures show an increase of employment vulnerability given the difficulties to find another job afterwards. Furthermore, and as a result of the labour market reform in 1994, the use of part-time work increased significantly among women. In 1995, part-time workers represented 17% of the female employed population (in contrast with men who only represent 3% of their total employed population). In fact, women represent from 75% to 80% of total part time workers (CES 1996). Nonetheless, part-time employment in Spain, as well as in the other countries of southern Europe is less developed than in the northern European countries.²⁸ However, in Spain, this type of employment seems to be mainly involuntary. In 1994, only 3% of these workers were content with their situation (CES1994). 9% cited family responsibilities as the main reason to be engaged in part-time employment, while 43% argued that the reason was the type of activity. Therefore, professional and occupational segregation of women in the labour market seems to be the principal explanation for their engagement with part-time work (CES 1994: 12). One of the explanatory factors might be the weak level of support in reconciling paid work and family life, given the patent lack of childcare provision, and insufficient flexible working time arrangements. Moreover, part-time employment is often associated with low income and vulnerability in terms of protection. As it will be shown in chapter 4, entitlement to benefits heavily rely on full-time and stable patterns of employment. Flexible arrangements insofar as they are most of the time linked to employment insecurity, do not lead to important social protection benefits.

²⁸ Percentage of part-time employment in 1994: 15.2% in Spain; 12.1% in Portugal; 12.4% in Italy; 27.8% in France; 33% in Germany; and 44.4% in the UK (European Commission 1999).

As for family benefits, the remaining family programmes were, during the 1990s, converted into instruments against poverty for dependent children through the establishment of means tested benefits. In addition, a non-contributory means-tested child allowance was established within social security. Family benefits have been diverted through the tax crediting system (IRPF). However, as we will see in the next chapter, tax relief for children and other dependents is not important enough to compensate for the non-existence of monetary transactions.

The immediate future of the system of social protection in Spain seems to be framed under the principle of continuity of the existing one and reinforcing the potential of its professional focus. The Toledo Pact, signed by the majority of political parties in Parliament in 1995, analysed the structural problems of the Spanish social security system, indicating the principal reforms that were needed in order to guarantee the viability of the present public system of cash benefits. The lines of action proposed were based on making viable (in economic terms) the existing model of social security. With the focus on consolidation, any attempt to profoundly modify the system was abandoned. The model of protection is still based on two main forms: a central contributory one - income substitution- financed by social contributions, and a second non contributory one based on a secondary principle of solidarity and financed through state transfers to the social security budget. Another two levels of technical provisions complemented both systems: health care and social services of universal character and financed through taxes. The Toledo Pact's report also asserted the necessity of a complementary private system of insurance, with a total private management, for all those citizens "who voluntarily wish to complete the protection of the public system" (MTSS 1995a: 78). One of the recommendations made by the report to promote this last objective was to support private pensions and savings schemes by improving the fiscal incentives. The report also argued in favour of the separation and clarification of the sources of financing. That is, a contributory model financed through social contributions and a non-contributory model financed solely by the state.

Conclusions

From this general overview of the specific development of the Spanish welfare state, some important points can be outlined as conclusions. The origins of the first institutionalised form of protection came at the beginning of the 1960s in the absence of democracy. The *Authoritarian Welfare State* developed primarily through a social insurance scheme. The professional nature of social insurance programmes, the intervention of the Church and the role of the traditional family, are all characteristics of the Bismarkian type of welfare that have been identified in the early periods of the Spanish welfare state.

However, Spain soon configured a continental model of specific nature. This type of welfare state coincides with what Ferrera (1996) has identified as a common path to modernisation of the countries of southern Europe. The presence of a strong left (inside and outside the political arena) pushed for the universalisation of certain spheres of the welfare state, mainly health and education, and the introduction of equal of opportunity ideals. At the same time, the system of social protection preserved a very corporatist nature, maintaining a high degree of continuity with the previous scheme developed under Franco. It offered generous protection to the core group of workers and fragile subsidisation to those at the periphery. The family is a crucial if shadowy figure in the organisation of welfare. This corporatist organisation of the social protection was, for a period of time, effective in reducing poverty in absolute terms although not so effective in providing women with the means for economic independence.

Applied to gender relations, the left and feminism worked together to transform perceptions of social equality. Gender equality became an independent political interest that resulted in the formation of state feminism though the power of this independent body needs to be explored.

Socio-economic and political changes of the 1990s altered the scenario in more than one sense. The political and administrative process of decentralisation is being taken further and the dual conception of the social protection is intensified. Labour market flexibility deepens the distance between centre, traditional male labour force, and periphery workers, women and young people with precarious work conditions. Also, partly as a result of the new expectations of independence of women produced by access

to universal rights, the traditional image of the extended and protective family blurs both as a symbol of identity and as an effective informal institution of welfare. The combination of these processes has generated new patterns of social exclusion, which neither the labour market or the state seem able to resolve.

Chapter 4

Men and Women in Spanish Social Security

Introduction

The aim of this chapter is to assess the effects of the social protection system on gender relations. The focus is on the ways in which the Spanish social security system organises the provision of welfare. Attention is paid to the criteria for initial and ongoing eligibility, level and generosity of benefits and the consequences of these factors for gender relations.

For the purpose of my analysis, the object of study has been limited to the cash benefits delivered by the public social security system. In Spain social insurance is the main pillar of social protection and other non-insurance contribution programmes have less importance.¹ Apart from pensions, attention will also be paid to family protection and maternity leave. A supplementary discussion of social services in kind and the income tax system will also be provided. These two elements are complementary to cash benefits and need to be taken into account to assess in real terms the public support to the family and individual protection.

The organisation of social provision

The public system of cash benefits consists of a main contributory scheme and a secondary non-contributory means-tested scheme. Contributory benefits are based on the contributory history of individuals in their working life. The system can be classified as a 'Pay As You Go' scheme, since the contributions of the current working population pay the pensions of the current pensioners. Assistential benefits were replaced by non-contributory benefits in 1990. This new scheme aimed to be more 'universal' and complementary than an assistential form of protection. The scheme was designed as another form of income support for those individuals with economic needs and who do

¹Cash benefits accounted in 1996 for 66% of the total social security expenditure, Health care represented 31%, personal social services 2% and others 1.5% (Informe Económico-Financiero 1999).

not have a contributions record that enables them to qualify for the contributory cash benefits scheme. The non-contributory scheme is integrated in the social security system and the benefits are paid and regulated by the central government although the administration corresponds to regional governments. Since 1992, categorical assistential benefits at national level are only received by those claimants already benefiting from or with a right to an assistential benefit before 1992. Otherwise, assistential benefits come through the regional and local levels, under the general scheme of 'Minimum Incomes', totally demarcated from the social security system.

Contributory benefits play a much more important role -in terms of budget and number of benefits- than non-contributory benefits. In 1977, contributory benefits accounted for 72% of all cash benefits paid by the social security. Since then, contributory benefits have been increasing constantly. In 1990, contributory benefits almost reached 90%. Thereafter, the introduction of non-contributory benefits reduced, almost symbolically, the importance of contributory benefits, just over two percent of the total budget went from contributory to non-contributory benefits in 1996 (Informe Económico-Financiero 1996).

Therefore, as in the conservative-corporatist welfare model, the focus of the social security system in Spain has been on cash transfers more than on direct provisions of services. Also, as in the corporatist regime-type, the principle of social insurance is based on labour market participation. Here, the preservation of a proportion of former earnings is more important than providing a general needs-oriented minimum or basic security. Thus, individual's employment record plays a fundamental role in accessing the cash benefits system. Time is a basic resource. Social insurance rights are shaped by time requirements such as the minimum working hours, duration and continuity of employment or contribution periods. Because of gender inequalities in the labour market, requirements of stable and long periods of contribution to the labour market perform, generally, worse for women than for men, in terms of both, access and quality of the benefits.

Female representation in contributory benefits. Access to direct and derived benefits²

Despite the fact that labour market inequalities do have an impact on men and women's access to benefits an important starting point of this analysis is that the cash benefits' outcomes, the prime object of study, cannot be totally explained by examining the labour market. On the contrary, these inequalities are the result of policy options in the design of social protection and in the establishment of the pension rules.

A fundamental policy option in the construction of the social protection system has been the distinction made between direct and derived benefits within the contributory scheme. Individual or direct benefits, such as retirement and invalidity benefits, are exclusively dependent on labour market performance. However, derived benefits, which are mainly widow³ benefits, are based on the contribution record of the former spouse and, thus, the entitlement right comes through family status.

Derived benefits do not have any relevance in countries of a liberal or social-democrat welfare tradition. For different reasons, survivorship is a very minor component in countries like the UK (0.2 of social protection expenditure in 1994) and Denmark (0.1) (table A.2).⁴ However, for the continental welfare tradition and the countries of southern Europe, survivors' benefits represent an important form of protection, fundamentally for old age women. The conservative welfare tradition shows a stronger support of the male-breadwinner type of family and usually provides generous social benefits to the family provider.

Generally speaking, women as a social group have easier access to derived benefits than to direct ones. Female employment patterns are often insufficient to gain access to a direct individual contributory benefit. We will see to what extent this

² Data gathered on the MTSS official statistics on affiliation to social security (evolution of workers registered with social security) is not classified by sex. This was emphasised in a recent report made by the Economic and Social Council (CES 1996) as a major obstacle to study men's and women's performance in social security. Here we account for access of men and women in all cash benefits and its evolution over time.

³ In Spain men are also eligible for widowed benefits. However, given the fact that the vast majority of recipients are women, I will be referring to these benefits as widow benefits.

⁴ In the liberal welfare state tradition, cash benefits for families have been kept at low levels. This model of welfare has generally relied on means testing and there has been a prominence of occupational and fiscal welfare. For the social-democratic countries, social benefits are not heavily funded through contributions but through state transfers and there has been a more universal approach to social protection. Therefore, benefits with a high degree of familialism, such as widow benefits, have not been supported through income maintenance.

differentiation in the entitlement rights affects men and women differently and its evolution over time. The focus of this analysis will be on contributory retirement and invalidity benefits as the two types of direct benefits and on contributory widow benefits as the main form of derived benefits. As we shall see, there has been a decrease in female representation in direct benefits and an increase in the derived ones. Moreover, the different demographic pattern between men and women is an important feature in their access to benefits. The population of pensioners has increased in absolute terms due to the demographic trends.⁵ Furthermore, women have higher life expectancy⁶ and that explains their over-representation in the oldest age groups of all the different benefits. In terms of access to contributory benefits it is important to bear in mind that women pensioners are concentrated in the oldest age groups and, thus, are more vulnerable to situations of poverty, brought about by old age, such as, precarious health conditions and less physical mobility.

Retirement pensions are, both in terms of claimants and in percentage of the budget (tables A.3 and A.4) the most important part of the Spanish social security contributory pensions scheme. They represent between 45% and 48% of the total contributory benefits since 1986, obtaining more than 50% of the budget. Outlays on retirement pensions have increased in the last decade due to the increase in pensioners' population and also due to a general transfer from invalidity benefits, as well as quality of entitlement and coverage extension. Since 1994, invalidity pensioners that reach 65 years of age are automatically converted into retirement pensioners. As a consequence of this reform, invalidity benefits have decreased in terms of claimants (from 27% of all recipients in 1986 to 24% in 1996) and also in terms of budget allocation (29% in 1986 and 24% in 1996).

Widow benefits have been increasing in number as well as in budget allocation. In 1986, widow benefits' recipients were 24% of all contributory recipients, ten years later, they were 26% of total recipients; in fact, since 1991, there have been more recipients of widow benefits than of invalidity ones. After retirement, they are now the second largest

⁵In 1960 people over 65 represented 8% of the population, in 1981 they were already 11% of the total population and by 1995 people over 65 represented more than 15% of the population. Thus, the ageing rate has increased from 11 points in 1980 to 13.4 in 1992 (Adelantado et al. 1998).

category of contributory benefits. Nevertheless, invalidity benefits continue to consume a higher budgetary percentage than widow benefits (24% for the former and 18% for the latter in 1996). As will be analysed later, the different levels of generosity of the benefits explain the larger budgetary allocation for invalidity benefits. The incomes of invalidity benefits are substantially higher than the incomes of widow benefits.⁷

In relation to female representation in retirement benefits, in 1982 women were 40% of the total recipients (table A.5). This percentage has decreased through the years, representing 32% in 1996. Looking at the distribution of pensioners in each age group (table A.6), there are considerable differences between men and women that are worth pointing out. In the age groups corresponding to early retirement (before 65 years of age) women's share of retirement pensions is very small. Only a small proportion of women apply (or can apply) for early retirement. It may also be the case that, given their own unattractive income history, they have given up their retirement pension and chosen widow benefits, where eligible. Female representation increases considerably as we move towards the oldest age categories. While men aged between 65 to 69 represent, since 1986, the largest age group of male retirement pensioners, for women it is the oldest category (80 years and over) that has the largest number of recipients. Since 1989, approximately 30% of female pensioners are 80 years of age and older.

As has been outlined in chapter 3, the minimum period of contribution for a retirement benefit increased from ten to fifteen years in the 1985 reform. This five year increase in the time ceiling damaged the expectations of those workers, most obviously women, with short or fragmented careers, who need to work for an extra five years to gain a pension.

Moreover, the Spanish system does not, as other countries do,⁸ consider crediting pension contributions during gaps in working life. Except for maternity leave and the first

⁶ In 1990 women lived as average 80 years while men lived 73 years (Informe Económico-Financiero 1998). Since 1982, women represent more than 58% of the population over 65.

⁷ Orphan pensions and 'In Family Favour' (family members of the deceased others than the surviving spouse and children) are also contingencies of survival although both play an insignificant role in terms of percentage of the budget and also in terms of number of claimants (tables A.3 and A.4). Nowadays, the strict conditions of eligibility (see appendix 3) and the disappearance of the old pattern of (extended) family organisation have progressively reduced the relevance of both benefits in the overall system.

⁸ In Germany for instance, a crediting system for time spent looking after children was introduced in 1992. For each child a maximum of three years credit might be claimed at the rate of approximately 75% of

year of voluntary leave –which have both counted towards the contribution record since 1989-, pension rules do not take into account gaps in employment due to either family responsibility or unemployment. Yet, as Evans and Falkingham (1997) have argued:

“Pensions are sensitive to long gaps in working life. Mechanisms of ensuring continuing contributions during absence from the labour market have a significant effect. Short-term frictional unemployment has little effect, but long periods of unemployment, sickness or family responsibility do” (1997: 46).

This lack of crediting mechanisms to compensate spells outside employment penalises women’s access to a retirement benefit to the extent that any period of time outside the labour market has an effect on their capacity to claim a benefit.

Given lower activity rates, women’s representation in invalidity benefits has always been low. However, as happened in the case of retirement benefits, their representation decreased after the 1985 reform. Women were recipients of 35% of invalidity benefits in 1982 (table A.5), a percentage, which after dropping 2 points in 1986, has remained stable at 33% until 1996. As was also the case in retirement benefits, women have increased their representation as invalidity pensioners in the oldest categories. In 1996, 52% of invalidity pensioners over 80 years of age were women. Invalidity benefits have also been made more labour market related.⁹ By doing so, there has been a greater capacity to control improper uses and fraudulent practices, which were common practice in the past. However women have poorer access to work-related benefits and thus, gender inequalities due to differentiated access persist. As we shall see, the means-tested scheme offers no real alternative for the people that have some type of invalidity and cannot have access to an invalidity contributory benefit.

More than half of female recipients are recipients of widow benefits. Women represent more than 90% of recipients of these benefits in any age group. Since 1993, (when data is available by sex) women have been the recipients of 96% of the total benefits (table A.5). Inevitably, women have high representation in all age groups of widow benefits. The limited participation of men in these benefits is concentrated in the oldest age group. Since 1993 they have been recipients of 5% of the benefits for

average earnings. In France, two years of credits are given to mothers who have cared for a child for at least nine years (Rake 1999).

⁹ See appendix 3 for requirements of contribution periods.

individuals 80 and over. Although not a very important figure, given the small percentage of recipients, this presents a peculiar case of reverse dependency.

While access to direct contributory benefits has become more difficult, the access to derived benefits has become easier. Widow benefits used to be means-tested benefits, only those women in situation of need would be entitled to receive a widow benefit. This requirement was abolished in 1972. However, women's greatest access to the cash benefits system through derived benefits is a problem in itself given that, as has been analysed in chapter 2, it upholds a kind of second route to citizenship. Women's rights are channelled through family dependency instead of their own individual rights, reinforcing dependency on the main income provider. Furthermore, the protection of women through these derived benefits carries a number of specific implications. One fundamental problem of women relying on widow benefits for old age income is that the system protects through marital union at a time of serious threats to the marriage institution. Derived rights such as widow benefits are vulnerable in the face of marital dissolution. In this respect, the legislation has responded to this 'new' social phenomenon of marital dissolution by introducing in 1989 the right of entitlement to a widow benefit for divorced women.¹⁰ Although they lose the benefit if they marry again, divorced women are paradoxically less penalised than women that never married. Extramarital unions give no right to a widow benefit.

Moreover, widow benefits can create disincentives for women to work on a regular basis. Although it is very hard to measure, the percentage of women working for the shadow economy is very high in Spain, as indeed it is in all the other countries of southern Europe (Ferrera 1996; Trifiletti 1999). It is possible that the system may be indirectly tolerating and even encouraging the work of women in this non-regulated sector, mainly as home-workers. Although, this marginal employment does not provide access to social security, this might not be seen as a problem since these women might find a way into the social protection system through their family status. In this sense, work is not regarded as an independent way of making a living, but rather as a complement to other sources of income. As we shall see, this 'hidden tolerance' of non-regulated employment is also implicitly present in the regulation of other types of

¹⁰ In case of separation or divorce, the benefit is given in proportion to the length of the period of cohabitation.

benefits, adding a considerable degree of complexity to the assessment of the final outcomes.

The existence of derived benefits might also create social inequality. Female workers that have received low salaries throughout their lives might end up receiving lower pensions when they retire than women that have never worked but benefit from their husbands' generous pension. However, as we will see next, derived benefits do not share the same levels of generosity as direct benefits.

Generosity of contributory benefits

The 'generosity' of a contributory benefit relies very much on past or present labour performance. Women have shorter contribution periods and lower salaries and thus, they have a poor level of benefit generosity if access is at all fulfilled. Special requirements of length and continuity of employment affects women's access to benefits and the generosity of these benefits.¹¹ Social benefits are mirrored by occupational segregation and by the gender division between paid and unpaid work.

Decisions made at the policy level also determine the degree of generosity of the different types of benefits. Again, an important feature is the considerable distance that exists between direct and derived benefits in terms of generosity.¹² As we shall see, the 'old age risk' is, in reality, two separate and distinctively gendered risks: that of losing income due to retirement and that of losing income because of being economically dependent on someone who retires or dies.

Another very important feature of policy choice is the presence of redistributive elements within the contributory system. As will be analysed later, benefits are not always proportional to contributions. In certain cases, redistributive mechanisms break the proportionality between benefits and former earnings. In this sense, the income-maintenance principle by which status differentials are maintained when working as opposed to not working, are weakened introducing certain characteristics of social equality. Thus, benefits are not always totally 'earned' since there are considerable

¹¹ Retirement benefits range from a minimum of 60% of the reference wage (calculated using the mean of the worker's annual salaries) for 15 years of contribution to a maximum of 100% for 35 years of contribution or more.

¹² Widow benefits correspond to 45% of the reference wage of the former spouse.

exemptions to the rule.¹³ However, as we shall see, none of these measures have been designed to compensate specifically female employment patterns.

Uneven improvements of contributory benefits

Inactivity and retirement average benefits for both men and women have increased considerably since 1982, thanks to the adjustment policies that have brought average benefits closer to average salaries. Nevertheless, in both cases men's have risen more than women's. Considering inactivity, women were, compared to men, paid less in 1996 (70% of men's average benefit) than they were in 1982 (78% of men's) (table A.9). For retirement pensions the differences in terms of payment for men and women are even stronger than for inactivity benefits. Although in 1982 women's retirement pension represented 77% of men's retirement pension, in the following years there has been a constant increase in the income difference between men and women's pensions (table A.9).

Examining the relation between average benefits and average salary, we see that men's average benefits have approached the average salary more often than women's average benefits. In 1982 the average inactivity benefit was 30% of average salary for men and 22% for women. In 1996, the gap had widened by 13%, to 41% for men and 28% for women. At the same time, in 1982, the average retirement pension was 31.5% of average salary for men and 24% for women. In 1996, men's were 46% and women's 29%. In all these cases, the relationship between average salary and average benefit has changed substantially for men but not very significantly for women.

Age also explains part of this gender difference. Younger women receive higher income from their pensions than older women do, just because new pensions are of a higher amount than former pensions. However, as has been mentioned before, female recipients are concentrated in the oldest age categories. In the case of retirement, the age group from 60 to 69 is the one that receives the highest average pension although this group represents just 28% of all female retirement pensioners. In the case of inactivity, the differences between men and women's average benefits are smaller (91% of men's

¹³ Transfers from tax revenues are added on to the contributions from employment in the social security budget to finance these redistributive mechanisms.

benefit for the age group 30-39; 87% for women under 30; and 85% of men's benefit for women between 40-49. Table A.9). However, the actual number of recipients in these age categories is by no means high. In 1996, women from 30 to 59 represented 19% of women's invalidity recipients. The gap between male and female average invalidity benefits is greater among pensioners over 65 years of age, where most of the female claimants are situated (68% of female beneficiaries). For men, the situation is reversed. The higher average pensions are located within the larger group of recipients. In the oldest category the differences between men and women's average pension are reduced, however in this case the differences diminish not because women's benefits increase but rather because men's benefits are cut down.

As could be expected, despite the large number of beneficiaries, widow recipients receive distinctly less income from their benefits. The average benefit has increased, like the other benefits though on a smaller scale. In 1996 a widow benefit was 54% of men retirement pension. The highest average benefit was for the age group 40-49 in 1996, while the lowest average benefit was for women of 75 and over. It is, however, in these categories, as has been previously shown, where the number of women pensioners is greater.

In relation to the differences between own-right (retirement and invalidity) and derived (widow) benefits in terms of the scope of the benefits, it might be argued that these differences are justified in the sense that a retirement pension, as a source of old age income can actually cover not only the recipient of the benefit but also the spouse or the whole family. However, this ideology of the male breadwinner family is not an explicit statement since contributory benefits are individualised. Pension benefits are dependent on labour market performance and do not take family responsibilities into account. Therefore, cash benefits' legislation establishes dependency on marriage directly and exclusively through widow benefits.

However, the link between contributions and benefits is, in some cases, not so straightforward.¹⁴ There are three main mechanisms that break the proportionality criteria in relation to the generosity of the benefits. These are, first the way the initial retirement

¹⁴ According to Monasterio and others (1996) redistributive mechanisms are those that break the equity criteria in a social protection system. That is, when the proportionality between the pensions obtained and the contributions paid to the system in a working life is weakened.

pension is calculated, second, the existence of a minimum pension policy and third, the presence of occupational regimes. In what follows, attention will be paid to these three elements, focusing on how men and women might be affected differently and what the changes have been over time.

Redistributive mechanisms

The way the initial retirement pension is calculated favours all those individuals, among them many women, that retire with the minimum number of years. The initial retirement pension is calculated considering the percentage of the reference wage that corresponds to claimant’s contribution record. The table below shows the initial retirement pension (percentage of salary) at the age of 65, according to the number of years of contribution, under the different legislative reforms.

Table 4.1: Initial Retirement Pension (65 years of age)

<i>Percentage Reference Wage</i>			
<i>Years contribution</i>	<i>1972 Reform</i>	<i>1985 Reform</i>	<i>1997 Reform</i>
10	50	0	0
15	60	60	50
20	70	70	65
25	80	80	80
30	90	90	90
35	100	100	100
40<	100	100	100

Although, the requirement of a minimum period of contribution to have access to a contributory benefit negatively affects all those with short careers, the table shows that those who obtain the right to a pension with the minimum contribution record obtain a higher return from the income earned during the working years than those who retire with a larger number of years (Durán 1995).¹⁵

However, this redistributive capacity has diminished as a consequence of the changes introduced by the 1996 Agreement in the formula to calculate the initial retirement pensions. Firstly, the percentage of reference wage for the minimum period of

¹⁵ 1985 reform: someone aged 65 and with 15 years of contribution period is entitled to a pension 60% of his or her average salary. That is, from 0 to 15, each additional year of contribution gives 5% of the reference wage. Someone retiring with more than 15 years of contribution receives 2% of the reference wage for each additional year.

contribution of 15 years was reduced to 50%. Secondly, the percentage of the reference wage also became smaller for any contribution career less than 25 years.¹⁶ Although it is too early to know the effects that this changes will have in the access and generosity of women's retirement benefits, it is clear that the expectations of those retiring with the minimum number of years or with contributory careers under 25 years will be reduced.¹⁷ The changes do not modify the expectations of those retiring with more than 25 years of contribution period. Thirdly, the number of years used to calculate the pension amount increased from 8 to 15 years. This last measure is detrimental to those workers that experience substantial increases in their salaries in the last years of their working careers.

It can also be argued that the limit of 35 years to reach 100% of the reference wage might be detrimental to a number of male professionals since any additional year does not add to contributory record. However, the additional working years can compensate if their earnings for those years were higher, giving them entitlement to a higher pension.

Nevertheless, the logic behind this redistributive mechanism in the initial retirement pension is not easy to identify and it is doubtful whether this better treatment given to pensioners who retire with 15 years of contribution compensates for the lack of pension rights for those with a career below the time ceiling. As we will see, the measure favours specially the pensioners of the occupational regimes.

The minimum pensions' policy within the contributory system is another important redistributive mechanism that breaks the proportionality criteria between the contribution record and the amount of the benefit. Minimum pensions guarantee a minimum amount of remuneration (annually fixed by the government) for those pensioners that, having fulfilled the time requirements, are entitled to receive a pension of a higher amount to the one that would strictly correspond according to their contribution record. The minimum pensions policy breaks the proportionality criteria in the sense that it makes no difference whether they have contributed for the minimum number of years or have contributed for a longer period but with the minimum salary.

¹⁶ From 0 to 15 years of contribution, each year gives 3.33% of reference wage. From 15 to 25 years of contribution each additional year accounts for 3% of the reference wage and from 25 to 35 the percentage of the reference wage stays the same as before (2%).

¹⁷ I have not been able to obtain data by sex on the number of years of contribution when workers reach pension age.

The initial purpose of this policy was to compensate low wages. During the early 1980s minimum pensions accounted for almost 50% percent of all pensions. In 1983, minimum pensions constituted 52% and 63% of retirement and widow benefits correspondingly (Informe Económico-Financiero 1996).

This indicates that pensioners retiring in those years had low contribution records partly due to the lack of standardisation of job contracts although working careers usually started very early in the life cycle. Furthermore, and as we shall see, pensioners of the occupational regimes, particularly self-employed and agrarian workers, have always been the most favoured by minimum pension policy, which indicates that this redistributive tool was specially created for certain categories of workers.

As working records started to improve in terms of income and time, the minimum pension policy became less relevant. Still, these pensions continue to make up a large percentage of all pension types.¹⁸ Therefore, although the minimum pension policy has a clear worker-status origin, created to protect certain categories of workers, it did not disappear when the socio-economic environment changed. Instead, this mechanism of redistribution began to transform itself to adopt a sort of social-assistance trait within the social security system. For this reason, the delimitation of this type of provision becomes troublesome. It certainly protects certain weak categories of workers, among them many women, but such protection is hard to define, lying somewhere between social insurance and social assistance, as a sort of 'safety net' within a professional scheme.

Since 1985 several reforms have attempted to place minimum pensions on a level with the minimum wage (SMI). In that sense, since 1985 the amounts have been more adjusted to minimum standards. However, the minimum pensions are not the same for different types of benefits. Again, it is hard to find an explanation for the different levels of minimum benefit, which make 'safety net' standards different for different types of claimants. The most striking difference is found between retirement, invalidity and widow benefits. Until 1993, the minimum for a widow over 65 years of age was much lower than the minimum for a retired pensioner of the same age and without a dependant spouse. Moreover, until 1996, the minimum pension for a widow under 65 years of age was lower

¹⁸ 36% of all pensions in 1996; 34% in the case of retirement and 47% for widow benefits (Informe Económico-Financiero 1996: 205).

than the minimum for a retired person also under 65 years of age and without dependent spouse. This led to an anomaly in the system that until recently had not been resolved.

As a consequence of the policy of 'minimum standards' adjustment, retirement, invalidity and widow benefits are now placed on a same level. In this sense, widow benefits have benefited from the adjustment policy more than the other benefits.

In 1985 the minimum pension for widows over 65 was 56% the minimum wage and 49% for widows under 65, in 1996 the percentage increased to 82% for the first and 72% for the second (table A.11).

Nevertheless, and as Cruz (1994) argues, the use of the minimum wage as an indicator for minimum pensions has created a progressive distancing of these pensions in relation to other more 'real' indicators, such as average salary or per capita income. In 1980, the minimum wage was 77.5% of the income per capita and in 1992 it was reduced to 52%. Therefore, even when minimum pensions are placed on a level with the minimum wage, this does not mean that the benefit allows for an adequate standard of living. For this reason it becomes relevant to look at the minimum pensions in relation to average pensions.

Certain categories of pensioners have an average pension very close to their minimum pension while for other groups, the average pensions are much higher than their correspondent minimum amounts. For example, retired men's average pensions are the furthest from minimum pension. In 1985, the minimum pension (over 65 without dependent spouse) was 82% of average retirement pension (categories from 65 onwards). In 1996, the average pension was almost double the minimum pension. However, for retired women the average pension was almost equivalent to the minimum pension. For widow pensioners over 65 (in fact, the vast majority of widow pensioners), given the large number of them in the older age groups receiving very small amounts, the average pension is below the minimum pension.

As for invalidity, here again women make a more intensive use of minimum pensions compared to men. Men's average pensions have gradually drifted apart from minimum standards. In 1985, minimum pension for absolute and total invalidity was 82% of the average total male invalidity. In 1996, the percentage was 67%. In the case of women, and as happened in retirement, their total average benefit and minimum amount

almost concur and even, for certain years the average pension ends up below the minimum pension.

The absence of other types of safety net outside the contributory system makes this minimum pensions policy more significant. However, one could speculate in this case, as in the case of the calculation used for the retirement benefits, on the rationale behind this mechanism. Women tend to benefit more from minimum pensions' policy than men do. Their more poorly remunerated jobs, in the case of direct benefit, and the low salary percentage, in the case of derived benefits, typically entitle them to pensions that fall below the income limit established through minimum pensions. However, these measures of redistribution were not created to compensate specifically female working patterns. The different realities of men and women's labour market participation are not taken into account. Moreover, it is important to point out that when boundaries exist between the kind of work that gives the right to a pension and the kind that does not, certain forms of work are validated to the detriment of others.

The specific contribution requirements for occupational regimes (*regímenes especiales*) become the third element that breaks the proportionality criteria, and this takes place in a number of ways. Special regimes have a lower contribution pressure. Also, the control of affiliation becomes unclear for certain regimes, giving the possibility of 'strategic performances' such as to start contributing to the system at 50 years of age (Durán 1995).

There have been legislative efforts since the 1980s to integrate the majority of contributory pensioners into the general regime and progressively reduce the special regimes. However, in 1995 almost half of contributory benefits were still distributed among the regimes (table A.12). While the balance between the regimes has shifted - between 1976 and 1995 self-employed and domestic service regimes have increased while the two agrarian regimes have decreased-, their weight in the contributory system is still very significant.

We have already pointed out that pensioners of special regimes benefit more from the other two redistributive measures than pensioners of the so-called general regime. Regarding the distribution of retirement pensions by years of contribution (table A.13), 46% of pensioners of the self-employed regime retired with 15 years of contribution in

1997. The percentages of pensioners retiring with the minimum years of contribution were also high for the dependant agrarian workers regime (37%), the self-employed agrarian workers regime (45%) and the domestic service regime (61%). These high percentages contrast with the 5.36% that corresponds to the general regime.

In relation to the percentage of pensions over the total that receive minimum complements (table A.14), more than half of the pensions of the self-employed, agrarian workers and domestic service are minimum pensions.

Unfortunately, data by regimes and by sex could not be obtained, so we cannot know the gender impact of this particular feature of the contributory pension system. However, the mere existence of these occupational regimes already tell us something about the nature of social provision. It recognises a powerful feature of 'welfare clientelism', that is, specific protection to specific groups of workers or 'clientele', that Ferrera (1996) identified as common to all the countries of southern Europe. Again, women might benefit from the existence of these occupational regimes. However, this sort of 'patronage' does certainly not exist to favour women's full integration as citizens of first order social rights. Moreover, it keeps a considerable degree of complexity and multiplicity in determining the type of protection given and its impact in terms of gender. Different regimes have different regulations and if we are able to see through the 'dark world' of social security legislation we would not be very surprised to find that the most 'masculine regimes', i.e. miners and agrarian workers have a far more generous treatment in terms of access and quality of the benefits than other regimes, potentially more 'feminine', such as, the domestic service and the self-employed workers regimes.¹⁹

Maternity and family protection

Maternity²⁰ and family benefits play a very small role in the overall system in terms of expenditure. The former increased from 0.1% of social protection expenditure in 1989 to 1.04 in 1996, while the second one has lost the status given in Franco's time falling from 10.8 in 1977 to 1.34 in 1996 (Informe Económico-Financiero 1996). In fact,

¹⁹ I am anticipating an issue that was raised by some of the interviewees. This will be further discussed in the chapters that follow.

Spain ranks much lower than the rest of the EU countries in terms of family protection. According to direct expenditure, Spain spends 6 points less than the EU average on this contingency (table A.2).

Maternity leave has been improved through the implementation of several reforms. Improvements have been made in the length of the allowance, from 14 weeks in 1989 to 16 in 1994, as well as in the amount of the benefit, from 75% of the reference wage in 1989 to 100% in 1994. Moreover, the conditions to be entitled to the benefit have also improved, while before the minimum contribution period was one year, since 1994, the minimum period required is 180 days. Additionally, from 1994, the central administration (INSS) was made fully responsible for financing of the subsidy, reducing the employer's costs of this allowance.

Voluntary leave was also reformed. Since 1989, the employer has been obliged to guarantee the existence of the same job during the first year, and this year counts as a contributory period. Before 1989, the mother could demand voluntary leave but the job was not guaranteed on her return. Further, whereas previously an employer would have to pay twice for the mother on maternity and the substitute worker, after 1995 the employer only pays once and the state takes responsibility for the costs of the employee on maternity leave.²¹

All these changes have placed Spain (together with the Netherlands) among the most generous countries in Europe concerning maternity leave. Germany for instance, gives fourteen weeks of leave period with 100% of the salary. France and Italy give sixteen and twenty weeks correspondingly but just 80% of the salary. The UK gives eighteen weeks with 46% of wage replacement rate (Gornick et al. 1999).

However, as has been said earlier, Spain is also the European country with the weakest family protection. As stated in the previous chapter, family programmes were a central part of the Francoist social provision system to the point that they were often used as a complementary source of income for workers. The reform of 1985 eliminated some

²⁰ Until 1994 Maternity leave was included within the contingency of employment injuries and occupational diseases (*Incapacidad Temporal*). The reform of 1994 converted Maternity leave into a risk in its own, independently of any other contingency.

²¹ 95% reduction of social security costs for the first year, 60% for the second and 50% for the third year. Beneficiaries of these substitute contracts have to be claimants of unemployment subsidies -either contributory or non contributory for more than one year (Valiente 1997).

of the schemes while shifting the character of the ones that remained.²² The ultimate goal of this reform with regard to family protection was to convert the provision from a protection of marriage and the family unit in reproduction into a protection against poverty. Thus, the law limited the benefits for families with low incomes or with less protection in social security (unemployed, pensioners and low-income employees). Five years later, legislation introduced non-contributory family benefits for those claimants that could not meet the requirements of affiliation and contribution to social security. Again the legislative reforms were a step further in the intention to convert these benefits into measures against poverty. Therefore, since 1990, the concept of family protection refers exclusively to family benefit for a dependent child in case of poverty or disability of the child. It provides an economic allowance to employees (contributory) or families (non-contributory) with children under 18 and lack of economic resources or with disabled children (in this last case no income limit is established). Whereas in the contributory scheme there are requirements of affiliation and contribution to social security, the non-contributory is designed for those cases where affiliation and contribution are not achieved.

Therefore, although there have been substantial improvements in maternity leave, it remains a benefit for those inside the labour market. There is no statutory right to maternity benefit beyond the relatively short duration of maternity leave. No benefit is provided, at national scale, to women outside the labour market who give birth. In Spain there is no family allowance for single parents or subsidies for childbirth at a national level. Lone mothers or women head of households might receive compensation from local social assistance, but in any case, the protection is given only when the household is considered as a “poor” household.

The scarcity or non-existence of monetary allowances for childcare or family responsibilities is in some countries compensated either through the availability of social services for childcare (social-democrat tradition) or through tax deductions (liberal tradition). In Spain neither of the two alternatives has been developed enough to compensate for the lack of direct maternity and family protection.

²² Three relevant measures that were abolished were the monthly payment for a dependent spouse, the one-off payment for marriage and the one-off payment at the birth of each child within marriage (Valiente 1997).

Considering the first aspect, the accessibility of public childcare is very limited although it varies greatly among the different regions. The coverage of childcare for children under three years of age takes place largely within the private sector (privately paid). The distribution between public and private nursery schools for children two to three years old is 82% in the private sector and 18% in the public sector (1989 data). However among the different regions the range of public provision varies from none or under 10% of public provision in Autonomous Communities such as Catalonia, Madrid, or Valencia, to over 40% of public provision for the Basque country (IM 1991).

Nevertheless, the assessment of childcare provision is extremely difficult. There is no data base at national or regional levels that has gathered information in a systematic way on institutions that provide nursery education and the percentage of children under the age of three that receive some kind of childcare.²³ The lack of regulation in this area has suggested that the majority of children under the age of three do not attend any public or private institution (IM 1991). Given the impossibility of empirical evidence, it is however important to analyse the legislative reforms that have operated in this field. The most important one has been the education legislation (LOGSE)²⁴ introduced in 1990 as the new legal framework for the design of the education system, which set up, for the first time, the education of children under the age of six within the education system. Although compulsory education does not start until the age of six, the regulation of infant education has been a significant step. The institutions that provide childcare are now obliged to meet at least certain requirements established by the central administration and in turn, the central administration controls the provision of this service.

Considering taxation, the creation in 1978 of the Progressive Income Tax System (IRPF) introduced a taxation mechanism similar to those in the rest of the European countries. Yet, while in most countries the unit of taxation was no longer the family but the individual, in Spain the family remained as the unit for taxation through joint taxation. However, in 1989 the Supreme Court ruled against compulsory joint taxation on the basis that it altered the rights for individual confidentiality and the rights of the family as established in the Constitution. As a result, a legislative reform was introduced to make the individual the unit of taxation. Joint taxation is still a possible option but since no

²³ Evidence confirmed by Victoria Abril from the General Directorate of Social Action (*Dirección General de Acción Social, Menor y Familia; Subdirección de Infancia y Familia*) January 2000.

²⁴ The LOGSE, introduced in 1990 was the new legal framework for the whole education programme.

mechanism is introduced to make it an attractive option, only in few circumstances (when one of the earners obtains 90% of the total family income), is joint taxation better than separate taxation. Therefore, although until 1990 the male breadwinner/female housewife type of family was rewarded over other type of families, the situation changed substantially from that date onwards. With the intention of not penalising non-standard types of families, the new legislation considered 'the family', for the case of joint taxation, in two ways: married couples with or without children and single parent families, independent of marital status. Álvarez (1999) even argues that the system privileges cohabitation against marriage. This tax regulation comes in sharp contrast with elements of social security that have been previously discussed.

In relation to tax relief for families,²⁵ the tax system of 1978 contemplated a number of forms of tax relief for a dependent spouse and for dependent relatives. The reform in 1990 abolished the deduction for dependent spouse but maintained the rest. Offspring under 30 (before 1990 the age limit was 25) living in the same household and with an income under the minimum wage, older relatives and handicapped people integrated in the household receive different family tax exemptions. In the case of children, there is a slightly larger exemption as the number of children increases. In the case of elderly relatives the tax exemption also varies according to age. All the exemptions are fixed quotas independent of earnings. However, these tax deductions have always been rather insufficient in compensating for the costs of a dependant in a family unit and do not work as an alternative to social provision in cash. In this sense, the state does not significantly encourage, through the tax system, a particular type of family or the gender division of labour within the family.

Non-contributory and assistential benefits

Before 1990, the system of compulsory social insurance contribution was complemented by social assistance. Benefits existed at national level with a very low level of protection and as a subsidiary mechanism in case of the family's failure to provide protection to its members. In 1982 these benefits represented one fifth of the minimum wage. Through the years, the amounts have been increasing but remained at a

²⁵ See appendix 3.

relatively low level. These benefits are largely feminised. In 1996, almost 80% of the remaining beneficiaries were women. Half of women recipients were 70 years old and over (MTAS 1996a).

Considering the eligibility criteria, assistential benefits were given according to the principle of *subsidiarity*, which requires that claimants must prove that neither their own resources nor those of their family are sufficient to meet minimum needs. The benefit would only be given when it could be proved that there was not any family member “obliged” to take care of the invalid or the elderly person or without “material possibility” to do so.

In legislative terms, the introduction of non-contributory benefits in 1990 was without doubt an important movement to the extent that it was created with the intention of protecting citizens that could not otherwise find protection within the social security scheme. It was intended to move away from the assistential tradition that dominated the previous scheme and was designed for those individuals -invalid or elderly people- who have no claim to a contributory benefit, because of inadequate contributions. In practical terms, however, the non-contributory scheme functions as a ‘safety net’ of minimum income.

As was the case for assistential benefits, non-contributory benefits are largely received by women, 80% and 74% of recipients in 1992 and 1996 correspondingly. Men tend to be concentrated in the category of invalidity (distributed in younger age groups) while women are more likely to be recipients of old age pensions. Approximately 25% of old age non-contributory pensioners are 80 years old or more and it is in this older age group that female representation increases, 87% in 1995 and 1996 (MTAS 1996).

The amount of non-contributory benefits consists of a fixed rate for all the cases, determined each year. These pensioners receive the lowest income of all the pension types, in 1991 these benefits were less than half of the minimum wage and in 1992 they underwent small increase to 53% of the minimum wage. These pensions are paid at such a level as to leave a household pensioner below the poverty line. In addition, these pensions are not compatible with a contributory pension or a pension of any kind. The figure then is even more insufficient to guarantee a minimum level of economic independence.

As already shown, the importance of this scheme within the social security is limited given the low percentage of the total budget allocation and the reduced number of

claimants (less than 200,000 people). In fact, despite the number of applications, only a limited percentage of claimants meet the conditions of eligibility. In 1996, out of the total number of applications 46% were refused (Informe Económico-financiero 1996). These unsuccessful claimants either exceeded the requirements of income limit, the age limit or, in the case of invalidity, did not reach the degree of handicap required.

In terms of the accessibility criteria, the requirement 'to be in need' to have access to the benefits is so strict, in terms of the income limit, that it leaves a great percentage of the population that have neither the right to a contributory benefit nor can they access a non-contributory one. These benefits do not even reach minimum wage standards. Thus, the 'lack of resources' appears to be almost equivalent to states of severe poverty. Moreover, non-contributory benefits are not, in practical terms, individual rights, since the income limit applies to the 'economic unit', that is, the household within which the pensioner is integrated. All the incomes within the household are considered. Additionally, the income limit is not as strict if the pensioner is integrated in a family unit formed by their direct relatives.

As a result, and as was established on the assistential scheme non-contributory benefits replaced, the family continues to be the centre of the protection. As Salvador (1997b: 69) argues "the benefit, more than a sufficient income for subsistence is a subsidy to compensate the minimum expenses of the pensioner integrated in the family".

The age requirement is another constraining factor for the access to these benefits. In the case of retirement, the claimant cannot be under 65 years of age. Thus, those that are excluded from early retirement in the contributory system are not entitled to non-contributory retirement either. Paradoxically, employment continues to be the reference for protection in a scheme that does not, in principle, rely on labour market performance.

Thus, despite what the law might say, the non-contributory scheme is by no means a universal mode of protection. On the contrary, non-contributory benefits have deep foundations in the assistential aspects of the state. As Escudero (1996) has argued, the only reason that justifies the distinction in terms of definition between assistential benefits and non-contributory benefits is to make clear the different levels of administration. While non-contributory operates at national level, assistential remains as a safety net at regional and local levels. Apart from this distinction, both benefits are of the same assistential nature, even if the law does not explicitly recognise them as such.

The legislation might be misleading in other ways. Despite the good intentions (the law makes continuous references to “citizenship” and “universal” rights) the non-contributory scheme has little power of action given the reduced percentage of the budget of social security assigned to it. Also, to define non-contributory benefits as individual rights is partly a false statement. As has been shown, the socio-economic situation of the household is taken into account for the determination of income limit and degree of disability, and incentives have been created to promote the cohabitation of the pensioner with his/her direct relatives. The ability to claim benefits as individuals is then undermined. Therefore, although women largely benefit from this scheme, its effectiveness in protecting women is very limited. Moreover, the low income of these types of benefits makes it hard to think of the possibility of economic independence of someone that depends exclusively on this type of benefit.

However the access to the non-contributory scheme is important for the elderly not only in income terms but also in terms of the additional rights the benefits grant. Pensioners whether their benefit comes via contributory, non-contributory or assistential schemes, have access to available social services, such as daily care residences and also health and medical care.

Concluding remarks

In an attempt to synthesise some of this chapter’s findings, the next table shows the different treatment given to the benefits’ schemes in terms of accessibility and generosity through requirements and entitlement rules and its repercussions for female representation.

Table 4.2: Accessibility and generosity of different protection schemes

	CONTRIBUTORY BENEFITS		NON-CONTRIBUTORY
	Direct Benefits	Derived Benefits	BENEFITS
Risk	Invalidity/Retirement	Widow	Invalidity/Retirement
Access	Hard	Easy (ier)	Hard
Generosity	High	Low	Low
Basis Entitlement	Individual contributions	Spouse’s contributions	Individual/Family need
Requirements	Contribution record	Marital union	Low family income
Female Represent.*	Low (32% of total recipients)	High (95% of total recipients)	High (74% of total recipients)

*1996 data

Gender stratification in the social protection system is sustained in a number of ways. The principle of social insurance based on labour market participation and the weight of cash transfers create a differentiated gendered pattern of accessibility and generosity of benefits. Labour force participation and the conditions of employment have progressively become more important to social rights' access. Moreover, difference in entitlement rules, such as the difference between direct and derived benefits, also determines a two track access to the cash benefits system for men and women.

Taking a broader view, the table below tries to place the Spanish social protection system along gender dimensions of variation. The issue of welfare and gender regimes will be explored in more depth in the last chapter of the investigation. Here, it is worth pointing out that, as suggested in the previous chapter, the gender regime models introduced in that chapter do not seem able to describe accurately enough patterns of variation in this case study. Spain might be closer to the 'male breadwinner model' (Sainsbury 1999) or to the 'general family support model' (Korpi 1999) and yet critical divergences remain.

Table 4.3: A distinctive gender policy regime

Dimensions	
Ideology	Blurred division of labour
Entitlement	Unequal among spouses and among workers
Basis of entitlement	Principle of maintenance/ principle of need
Recipient of benefits	Individual
Taxation	Individual
Employment policies	Dualistic
Family Benefits	Earnings-related maternity leave
Social Services	Childcare primarily private. Elderly care publicly subsidised
Sphere of care	Primarily private (extended family)
Caring work	Unpaid

One of the distinctive traits is the coexistence of individualised and more or less universalised policy spheres, such as tax regulation and health care, with a merely occupational social security. Another major difference is the role that the family plays in the mixed welfare. There is no privileged treatment of families. The dependent status of

'wife' is encouraged, though poorly, through social security provision but not through tax law or through family policy. Contrary to the 'conservative' welfare tradition, motherhood in Spain cannot provide an alternative route to welfare and social status. The family is a site of informal welfare given the fragile relationship of its members with either the state or the market. Finally, the social protection system does have a redistributive impact, functioning as an important solidarity mechanism among different types of workers. The principle of status-maintenance, that is, the basis of entitlement for the male-breadwinner gender policy regime is broken in significant circumstances to protect specific groups of workers, with significant repercussions in gender relations.

Chapter 5

The Policy Process: Social Actors and Dynamics of Social Security Reforms

Introduction

Having answered the first research question, this chapter inaugurates the part of the research devoted to the policy process. The findings of the previous chapter suggested that the public cash benefits system displays gender stratification with regard access and quality of the benefits. The option to strengthen the professional character of the system of protection, and the creation of a secondary assistential citizenship status, has not favoured the equality between men and women in access to cash benefits of the social security system and the level of generosity of the benefits. One plausible explanation for this gender segregation in the social protection system was introduced in chapter 3. While the beginning of democracy brought fundamental strategic shifts in certain welfare state's spheres, eliminating any remaining connection with the previous authoritarian regime, such change did not occur in the social protection sphere. There has been a high degree of continuity with regard to the previous design of social protection under Franco. Once democracy was consolidated, policy change was achieved in a number of fundamental welfare state spheres and yet the social protection system continued to be maintained as a fundamental professional system with minor protection schemes for those outside the core of the protection. The family and women's unpaid work continues to be essential if unacknowledged elements of the social protection system at a high cost to women's independence.

In this chapter, I will concentrate on the factors that might explain the configuration of the present social protection system and could have been potentially constraining for the development of a more gender equality oriented social protection. This will include an exploration of the influence of the Women's Rights Institute -IM- in the general social policy.

This chapter will provide a framework for chapters 6 and 7. The investigation's results reported in the following chapters will focus on the second research question introduced in chapter 1. That is, to what extent are women represented by social actors or as social actors in the policy-making process? And how are gender equality issues

targeted as objectives in the social protection policy process? . Thus, the later empirical chapters will complement the insights of this chapter in an attempt to integrate analysis derived from primary documentation with that of the material obtained from the interviews with the principal social actors.

Relevant issues in the policy process

The starting point is that the design of a specific social protection system is conditioned by political decisions. Thus, exclusion from the decision-making processes has negative implications for the excluded group. Public policies are not understood to be neutral, on the contrary, it is assumed that the risks protected and the methods of protection are a result of political options.

Therefore, in the study of agenda setting two aspects must be considered. One, the topics that are contemplated as main objectives in the agenda and two, the social actors who intervene in the process. From a gender perspective, the interest is to develop a focus of analysis that underlines women's roles and the relevance of gender related topics in the policy-making and implementation processes.

Both aspects are also important for understanding the social actors who are excluded from the process and the topics that have not been considered as objectives of the policies. That is, to go deep into the study of the 'absences', the 'non-issues', or as Hill (1997) puts it, considering policy not just as a course of action but also of *inaction* and examining the non-decisions as well as the decisions taken.

“Attention should not focus exclusively on decisions which produce change, but must also be sensitive to those which resist change and are difficult to observe because they are not represented in the policy-making process by legislative enactment” (1976: 13 quoted in Hill 1997: 7).

As has been widely discussed in the literature, there are multiple factors that intervene in the policy process conditioning any final outcome. To start with, the creation of public policies has to be understood as a dynamic process. Although a clear distinction used to be made between the ideological nature of the agenda setting process and the pragmatic nature of the implementation process, scholars have recently remarked on the convenience of considering the cyclical and fluid character of the whole process. In particular, it is precisely in the last implementation stage when the materialisation of the

policies is going to define their true nature and the real scope of the initial objectives. Moreover, it is important to outline, as Kingdon (1995) does, that the success in one of the stages does not necessarily imply success in the other.

What should then be the centre of attention when studying the policy process? More than looking in a unilateral direction, the investigation requires attention to different issues that interact in a multidimensional level. According to Kingdon (1995), problems, policies and politics are the three processes by which agendas are set and alternatives are specified. This raises the questions, how does a given condition get defined as a problem for which action is an appropriate remedy? What values affect the processes? And how do political processes affect the agenda?

One of the key elements that needs to be investigated is the power relations between the actors. That is, to look at how the power is distributed since, clearly, when certain decisions are taken, some stand to gain and others to lose. As a political process, some actors have a more legitimated role than others and that entails a potential conflict about the unequal distribution of power (Hill 1997).

In chapter 2 I argued that, from a gender perspective, the influence of the political factor in policy outcomes, that is, patterns of working-class formation and trends of power alliances, had to be analysed from the point of view of the impact that these relations might have on women's policy intervention and structures of gender roles. From this point of view, the analysis of corporatist relations is highly relevant to the extent that it explains the nature of such power alliances. Policy agendas dominated by corporatist arrangements eventually sideline those groups not represented by labour relations. The idea is that strong corporatist relations between the government and employers and employees' organisations in policy-making do not benefit, in principle, the introduction of gender issues in the agenda, since this needs a framework of representation distinct from that of corporatist arrangements.

However, a framework of corporatism might not be detrimental to women's interests if, given women's access to the labour market, trade union representation shifts towards a more balanced presence between men and women. This might have policy implications such as trade unions targeting policies that specifically affect women. For example, policies directed towards reconciling the gap between paid and unpaid work. Moreover, the government's attitude towards women, and in fact the attitude of political parties in general, also has implications for the final outcomes. An administration more

sensible to gender matters might work in favour of women's interests even within a framework of corporate relations.

Moreover, the actions of the actors involved in the process are deeply rooted in values, paradigms and ideas. The belief systems of society and of the actors who intervene are decisive in the sense that a social construction of reality provides a specific perception of problems and references to solutions. Again, this implies that the problems that are not recognised as such by the actors involved in the process will not have a consideration in the agenda. Social problems need to be identified as *problems* to be included in the agenda and solutions to those problems need to be seen as feasible by those intervening in the process. Consequently, the definition of alternatives and the availability of information are powerful resources in the selection of conflicts. Lindblom (1990: 4) notes that "much problem solving also takes the form not of altering any state of affairs but of altering people's perceptions and evaluations".

However, problems might be *ideologically* recognised by actors and formulated in the agenda setting but might at the same time be left aside when policies are put into action. "In some cases, policies which are the concern of politicians may be no more than symbolic, formulated without any intention to secure implementation" (Hill 1997: 134). It will therefore be necessary to distinguish between definition of objectives and their actual implementation through concrete policies.

Another fundamental dimension in the study of the policy process is the importance of structural factors influencing the course of action. This implies, the need for an examination of the institutional framework where the interactions between the political actors take place, and the opportunities and limitations this institutional framework imposes in the process. Institutional constraints also condition the very strategic options of actors. The possibilities for certain objectives to become real depend, to a large extent, on the administrative feasibility of such changes. Also, the socio-economic and political climate determines whether there are favourable circumstances to carry out certain policies. In the case of a political change from an authoritarian regime to a democratic one, the weight of such structural factors will be determined by the degree of dependency from the previous political regime.

The impact of 'consensus' and neo-corporatism on gender issues and the women's movement. The transition period (1975-1982)

The agenda setting during the first years of democracy was highly conditioned by the institutional frame inherited from the authoritarian regime. The political configuration of the transition to democracy and the socio-economic environment affected the inclusion of gender matters in the political agenda and the performance of the women's movement within the formal sphere of representation.

Firstly, the very nature of the democratic transition limited the context in which the policy agenda was set at the beginning of democracy, with UCD -centre-right- in office, to the extent that it signified a shift in the character of policy-making. One of the first goals at the beginning of democracy was to alter the power distribution. A new form of contemporary corporatism¹ replaced the old Francoist corporatist model. I will argue that this new configuration of power relations confirmed the exclusion of social movements and social actors not representing labour relations.

Corporatism under the Francoist regime was based on the privilege given to certain groups or elites who supported Franco during the Civil War. In fact, Francoism represented the interests of an ultra-conservative coalition of political, ideological and military forces vigorously opposed to any kind of progress and modernisation movements and in favour of traditional and oligarchic rules. As Giner and Sevilla (1984) point out, Francoism can be seen as the successful outcome of widespread efforts among the professional groups towards a monopolistic distribution of resources:

“(…) After the civil war those which were rooted within the acceptable and legitimate sphere (employer's organisations, Catholic organisations, etc.) were given special protection. (...) They became strong in that they were unchallenged and unmolested by rival groups in the distribution struggle for resources, influence and privilege” (1984: 119).

Gunther (1996) explains that, although the allocation of public funding in the different departments of the central administration was decided without any official and

¹ As described in chapter 1, neo-corporatism represents the description of a union system between the state administration, employers associations and trade unions for taking on responsibilities of economic and socio-political issues (Führer 1996: 32).

explicit intervention of external pressure groups, there was a considerable degree of interest articulation of a highly particularistic kind.

“It was particularistic not just with regard to the extraordinarily narrow scope of interests affected by these decisions, but also insofar as access to decision makers was sharply restricted to those of upper socio-economic status and those who enjoyed personal connections with influential persons within the regime” (Gunther 1996: 7).

This influence of cronyism (*amiguismo*) in the policy-making was parallel to the virtual absence of institutional mechanisms for the articulation of citizens’ demands and the complete weakness of professional and workers’ organisations. Giner and Sevilla (1984) point out that corporatism under Franco was a corporatism of exclusion, rather than inclusion, and of subordination rather than mobilisation. Spain, they argue, had a fragile civil society, and poorly organised interest groups. After the civil war those groups that supported the regime were privileged and given special protection so that status, distinction, and hierarchy were preserved. All other groups, including political parties, trade unions and social movements, were deprived of the means of organisation of their interests.

In fact, the underlying principle of the authoritarian regime was non-political involvement and passive obedience, implemented through a number of institutions of economic, religious and ideological control. As Giner and Sevilla (1984) stress, the Francoist corporatism meant, paradoxically, the *decorporatisation* of a large subordinated part of Spanish society.

Considering workers’ organisations, during the Francoist regime, the Workers, Law-code (*Fuero de Trabajo*), created at the beginning of the dictatorship, established the “end of class struggle” by law. Trade unions were banned and repressed, they were declared illegal and the only possible affiliation for workers was the corporatist Francoist union, called “vertical syndicates” (*Central Nacional Sindical -CNS-*). The Falange members were in charge of the bureaucracy of the union. This organisation was directly controlled by the state and its efficiency was almost non-existent for two main reasons: first, because of its official and institutional character and second, because it had a massive bureaucratic apparatus which was hard to manage. In such a hierarchical and centralised political system, class conflict could not have any recognised space.

From the 1960s onwards some changes took place, the expansion of the economy introduced some flexibility in labour relations, the old trade unions, although still illegal,

reappeared and critical sectors within the official union gained strength (Migueluez 1995). It is in this moment that CC.OO. (*Comisiones Obreras*) was created as a spontaneous and decentralised movement and ideologically independent (Führer 1986). In 1958, the Collective Agreements' Law (*Ley de Convenios Colectivos*) enabled the creation of a new system of industrial and labour relations. The necessity to increase economic productivity led to collective negotiations between employees and employers' organisations within the enterprises as a way to reduce labour conflict. This had a positive impact on unionist movements, particularly for CC.OO., despite its position outside the law, moved from being a spontaneous and decentralised movement to a structured and co-ordinated organisation. During the economic development of the 1960s, this trade union was more or less accepted although there were still important regressive movements. From the first signs of economic crisis in 1967, government repression gained strength again, culminating in the well-known '1001 process' that imposed large prison sentences on several unionist leaders. Nevertheless, social and economic changes that took place at the beginning of the decade still maintained the confrontational power of trade unions and their great public support.

Hence, the main goal of the transition, particularly from 1977 to 1979, was primarily political.

“A common strategy of this period was the consolidation of democracy, the creation of a new institutional framework for economic development, the legitimisation of the employers organisation and the integration of trade unions in the dynamic of political reform” (Rodriguez Cabrero 1997: 123).

Social and political actors agreed on the necessity of creating new institutional structures of communication to overcome the old corporatist Francoist model. The only possible way to achieve this objective was through consensus and through a commitment to inclusiveness of all social and political actors in the decision-making process. What Bermeo (1992) calls 'political learning' was a fundamental element in explaining the success of the transition. Political learning means the “process through which people modify their beliefs and tactics as a result of severe crisis, frustrations and dramatic changes in environment” (1992: 274).

The concept of political learning is in our case translated into the changes in strategies and discourse of social actors in the reconstruction of democracy. After a long period of confrontation and polarisation between left and right and oppression of civil

society by the Franco regime and 'facto powers', the reconstruction of democracy needed a change in the elite's perception of one another. Bermeo (1992: 275) notes that "the likelihood that a democracy will be reconstructed increases with the diversity of the elite that experiences cognitive change". In the Spanish transition, the concessions given by both ends of the political spectrum were unthinkable in previous moments, the right accepting the legalisation of the communist party and the left accepting the monarchy.

As for trade unions, Führer (1996) analyses their double political and social role at the beginning of democracy. On the one hand, they were contributing, together with political parties, to the consolidation of democracy, on the other hand, they were the defenders of the working class against economic and institutional power. As the author puts it "the character of the democratic transition consolidated unionist organisations as a factor of order and at the same time as a counter-power force" (Führer 1996: 21). Given this social and political responsibility, trade unions defence of workers' rights was performed within a wider context of democratisation. Both traits gave the two main unions, UGT (*Unión General de Trabajadores*) and CC.OO. considerable institutional power. The transition period as a whole has to be seen as consolidating unionism's place within the decision-making processes. The social protection scheme was consolidated as one of the 'preserves' of labour relations in a post-industrial context where labour relations were constantly being redefined and trade unions lost part of their mobilisation capacity.

Accordingly, in this new political framework, the opinions of the parties, unions and employers' organisations became relevant in the decision-making process of social policy, starting the 'political economy of the pact' (Mangen 1996). Pactism would from that point on have a new and fundamental dimension in the formation of economic and social policies. The main pacts signed² during the first years were important overall in political terms and not so much in visible social or economic achievements. Several authors have pointed out that the transition should be analysed in terms of negotiation and multilateral agreements. Giner and Sevilla (1984) note that:

"The fact that the negotiations were not circumscribed to constitutional matters but also included programmatic ones was to be decisive for the shape of future events. Negotiating parties gave each other assurances about their future conduct, thereby 'fixing' policies and setting limits to their respective demands" (1984: 124).

² The most important ones were the Moncloa Pacts of 1977, an agreement on prices and income policies, and the ANE, National Agreement on Employment of 1981.

Trade unions took part in most of social agreements³ although they were mainly involved with wage agreement matters.

The rise of neo-corporatism and the nature of the political transition confirmed the exclusion of social movements and social actors not representing labour relations. As has been argued earlier, strong corporatist relations are not necessarily bad for the introduction of gender issues in the agenda. The power of trade unions in policy-making can have a positive effect if policies that specifically affect women are targeted. Moreover, an administration more sensible to gender matters might work in favour of women's interests even within a framework of corporate relations.

However, as we shall see next, none of the two possibilities were present in the early years of democratic Spain. Trade unions still had a traditional affiliation profile, that is, full-time standard industrial male workers.⁴ The increase of female employment rates, described in chapter 3, did not have significant repercussion in membership trends. Their employment's conditions (flexible work and mainly in the service sector) were not encompassed yet with trade unions' affiliation structure.

In relation to the political interest of gender, other important aspects concerned with the political, economic and institutional environment of the transition framed the difficulty of integrating gender issues into the political agenda.

To begin with, the consensus needed the *de-radicalisation* of the political discourse of the majority of social and political partners. The de-radicalisation of political statements of the different parties, as one of the prerequisites for political consensus, implied the rejection of those issues where right and left found most disagreement. Issues concerned with gender equality and women's emancipation were, among others, areas where consensus was hard to reach, and thus, where less emphasis needed to be placed.

Thus, the introduction of gender issues in the demands of the legitimised actors 'suffered' in the bargaining dynamics.

³ The political participation of trade unions focused on the social harmonisation process: negotiation tables with the employers organisations and/or with the government, through global pacts or agreements on specific issues, and on institutional participation in certain public bodies with the aim of controlling and following the management of public institutions, where labour and social policy decisions are taken. At present, the most representative trade unions (CC.OO./UGT/CIG/ELA-STV) have formal representation in the tripartite bodies of the National Institute of Social Security (INSS), National Institute of Health (INSALUD), and National Institute of employment (INEM), among others.

⁴ In 1984, the metal sector accounted for around 30% of the representation in both unions. The second most important affiliation group was the building sector (14% in CC.OO. and 6% in UGT (Führer 1996 and Ortiz 1999).

Feminist claims were postponed in the political demands of left parties and trade unions by giving priority to more consensual and supposedly general issues. A clear example of this is shown in the revision of the electoral programmes of the two main left parties, the PCE and the PSOE, during the first general elections in 1977. None of the two parties formally included the legalisation on abortion although they supported this demand verbally.

The policy-making of the Constitution is another example. At the moment when the Constitution was written, left and right were deeply opposed on issues such as the role of the family and women's rights outside marriage. While the left (PCE and PSOE) aimed for the recognition of freedom and equality in marriage and the right to divorce, the right (UCD and AP) were strong advocates of traditional catholic marriage and openly against divorce. The need for compromise forced the left in this case to de-radicalise its ideals and admit a more conservative statement. Divorce was not explicitly recognised and the defence of sexual freedom and de-institutionalisation of marriage was reduced to recognition of the equality principle within marriage (San José 1986). The relationship between the feminist movement and political parties deteriorated as a consequence of the consensus reached by the main political actors.

The character of the democratic transition through consensus also implied that feminists had to renounce particularly demanding topics and subordinate the fight for women's rights to the more general fight for democratic rights. As Scanlon (1990: 97) argued, in Spain, more than in other countries, "women have felt the necessity to cooperate in the general political battle for democracy". In the new consensus politics and with the de-radicalisation of political parties, there were a number of demands that had to be dropped. The rejection of feminist claims by left parties together with the enrolment of a large number of feminists in political parties and trade unions provoked frustration in the feminist movement. A complicated internal debate arose around the issue of "double militancy" and the necessity of an autonomous organisation of the feminist movement not affiliated to political parties. As San José (1986) asserts, the change of context from a period of absence of freedom to the democratic transition, had to necessarily affect the relationship between the feminist movement and other social and political organisations.⁵

⁵ The treatment given to the *female problem* in the Constitution was answered by the Unitary Platform of feminist groups of Madrid (*Plataforma Unitaria de Organizaciones Feministas*) who organised a meeting under the title "Women, victims of consensus" (San José 1986: 111). In Catalonia, the critical movement was also intensive, including the organisation of campaigns against the Constitution.

There were also institutional factors that affected the contents of the policy agenda and that prevented the recognition of the political interest of gender. The fact that the shift from dictatorship to democracy was led by a reform and not by a political breakdown meant that there was not a real de-legitimisation of the Francoist institutions either by the political elite or by the Spanish society in general (Guillén 1994). There was not any major purge of the staff from within the state apparatus. Most of the professional cadre remained unchanged, including those who had a political role. According to Gunther (1996) this was possible because in the last years of the Francoist regime, the state administration recruitment processes were dominated by technocratic and apolitical criteria, and also, state bureaucracy in Spain at the beginning of democracy was not overstaffed.

Moreover, there was an important degree of institutional deficit left by the Francoist administration that limited the possibilities for action during the transition. The authoritarian regime left an already designed system of social security. The system had numerous structural deficiencies in terms of the protection offered, the institutional structures that provided that protection and the badly administered expenditure. One of the main objectives of policy-making during the first years of democracy became the study of these deficiencies and their possible solutions. The economic crisis of the 1970s was an additional difficulty when considering a global reform of the social security system based on long-term objectives.

Despite large number of documents produced by the social partners, the reforms undertaken during this period were partial reforms of limited scope. The main focus was on the reorganisation of the system.

In relation to all these issues, the social protection system played a crucial role in containing potential social conflicts deriving from a difficult economic and political situation. This is what Rodríguez Cabrero (1997) has called the *conflictive nature of the Spanish welfare state*. From the late Francoist years, social benefits have been the material and political exchange for wage constraint and the fundamental content of the social agreements. The fact that the social protection system provided concessions to wage controls in a context of reactive policy-making and economic crisis certainly had an impact on the introduction of policies dealing with gender inequality. As was argued at the beginning of this chapter, problems need to be identified as *problems* to be included in the agenda. During this period, there were immediate issues that the social protection

system had to deal with and that limited the consideration of other type of issues that the social protection systems could also deal with.

In short, the specific political and social configuration of the transition period made difficult the representation of the organised feminist movement as a social agent in the policy-making processes. The transition was crucial in the determination of the issues that were objectives in the agenda-setting in social policy and in the configuration of a new model of policy-making based on a neo-corporatist scheme. In this case, and as usually happens, the ‘non decisions’, or the decision to maintain existing structures of power, implied a continuity in the inertia of the system and in the long term it meant a conservative legitimisation of inequalities.

Gender policies and social policies. Two unrelated spheres of intervention?

From the beginning of the 1980s, gender equality issues became more prominent in the design of the political agenda. Changes in Spanish society towards awareness of democratic rights of all social groups and the increase of female representation in the democratic institutions contributed to the increasing presence of gender matters in the public sphere. Gender is now included in ideological discourses of political organisations. This was also possible thanks to a shift in policy style (Gomà and Subirats 1998). After a period where policy-making was characterised by the reactive nature of the policies, that is, policy intervention appeared only as a response to existing problems, from 1982 onwards, a more anticipatory logic in the policy style is introduced. Processes of societal change that impose new challenges to pre-existing policies now drive legislative intervention. The eruption of these ‘emerging questions’ in at least some public policy domains is, as Gomà and Subirats (1998) remark, a consequence of new social values in a changing post-industrial society, adding new dimensions to traditional conceptions of the welfare state. The influence of EU directives in the introduction of these new spheres of intervention was also very important, although the degree of *europeanisation*, that is, the influence of the EU on national policy,⁶ varied greatly among the different public

⁶ Applied to the Italian Cohesion Policy, Graziano (1999) gives a profound definition of europeanisation as “a more or less accentuated process of sovranationalisation and complexification of the decision-making which manifests itself in the emergence of new institutions of sovranational government, in the redefinition of the competencies of national and regional government institutions and in the diffusion of policies derived from principles and values which to some extent are innovative with regard to national policies” (1999: 4).

policies.⁷ Still, the legislative ‘spill over’ of Europe can be seen as a policy learning process that touched all policy domains and that consisted of institutional adaptation at national and regional levels to EU standards.

Thus, from 1982 onwards, and once the transition was completed, there was substantial progress in the field of formal equality between men and women. As has been explained in chapter 3, the commitment was practically translated in the creation of the Women’s Rights Institute (*Instituto de la Mujer* -IM-) in 1983. The IM was responsible for gender equality policies through the equality of opportunities plans (PIOMs). These programmes created a legal and political framework for the introduction of gender equality issues within the core of the policies.

The questions however remain as to what the effective power and the legislative dimension of these programmes have been, and to what extent these policies have been able to challenge traditional institutional domains where public policies develop. The next chapter will analyse the capacity of the IM to intervene in the policy-making process and to introduce a feminist agenda. Nevertheless, we already know that gender issues were not introduced, at least in a systematic way, among the policy objectives of the social protection system. The IM’s equality programmes focused on areas that were indirectly linked to the social protection system, such as equal opportunities on employment and political representation, but they did not tackle issues dealing directly with the configuration of the social protection system. Before the first PIOM in 1988, no action was taken with regard social protection matters. The first PIOM devoted one, out of six sections, to social protection and the family. A panel of experts integrated by IM and Ministry of Labour officials was created to study the most relevant issues. Thanks to the work of this group, certain changes were promoted such as the improvements in the length and income of the maternity leave (1989 reform) and in income levels of minimum widow benefits. However, these new measures coexisted with the 1985 reform on pensions, which, as we have seen, had negative effects for women. Although the second PIOM (1993-1995) had more concrete objectives in comparison to the previous one,⁸ it

⁷ Gomà and Subirats (1998) have classified all public policies according to their degree of *européanisation*. A high degree of europeanisation is found on industrial, energy, environmental and telecommunications policies. A medium degree of europeanisation is found on employment, gender equality, social protection, and health policies. As explained in chapter 3, the Equal Opportunity Programmes of the IM were created under the direct influence of the Action Programmes of the European Union.

⁸ The objectives of the second PIOM (1993-1995) were: 1. To apply egalitarian legislation; 2. To promote an equal participation of women in the processes of creation and transmission of knowledge; 3. To balance - qualitative and quantitatively- the participation of women in the labour market sphere; 4. To spread a social image of women more adjusted to the present reality; 5. To promote an equal share of domestic

continued to leave ‘unproblematised’ issues dealing with social protection. This second programme instigated important legal changes already initiated by the first plan,⁹ which signified critical progress in removing barriers for gender equality. However, as happened in the precedent years, these reforms coexisted with labour and social security reforms that reinforced in practice the two-track social protection scheme for men and women.

Therefore, the issues that did dominate and influence the policy objectives need to be explored. In what follows, attention will be paid to the factors that acted as constraints for the implementation of a real gender equality policy during the early years of the socialist government.

The first distinctive feature of the policy-making between 1982 and 1989 was the primacy of economics over politics. The goal of modernisation of the economy and the enhancement of the economy’s competitiveness was given preference in relation to any other problem. Industrial rationalisation programmes, restrictive monetary and fiscal policy, and strict public spending controls were the main mechanisms used to solve these long-term economic problems.

In social protection terms, the reforms made in this period had as basic objectives the adjustment of the social security system to the requirements of modernisation and liberalisation of the economy. Moreover, the efforts were concentrated on solving the system’s old problems that still questioned its viability. At the beginning of the 1980s, some of the most important problems were the limited nature of the protection and its low intensity, serious management deficiencies¹⁰ and a significant degree of fraud and improper use of certain protection categories such as invalidity benefits. Social security reforms attempted to make the system more efficient and rational and were also aimed at controlling public expending.

responsibilities; 6. To increase the social and political participation of women; 7. To encourage women’s access to decision-taking jobs; 8. To improve the socio-sanitary aspects that specifically affect women; 9. To socially integrate marginalised women’s groups; To integrate equality policies in the international context.

⁹ Three important legal changes were. First, the reversal of the burden of proof in cases of sex discrimination (*inversión de la carga de la prueba*) introduced in 1990. With this new measure the employer and not the employee is the one that has to prove that discrimination has not taken place. Second, the Worker’s Articles of Association (*Estatuto de los Trabajadores*) was modified in its article 28. The concept of ‘equal pay’ was substituted for that other of ‘jobs of equal value’. This ‘equal pay for jobs of equal value’ attempted to resolve the problem of wage discrimination caused by the underpayment of women doing the same or similar work to men in the same employment. The measure was implemented in the 1994 labour market reform. Third, the “zero cost” (*coste cero*) in maternity leave aimed at reducing the costs of maternity to the employers, through social security paying the costs of the substitute worker.

¹⁰ In 1982 there were over a hundred institutions for the management of the social security. Moreover, there was no central administration body for the social security’s financing and there was not a unified and systematic legislation for the understanding of social security rules and regulations.

However, the expenditure on social protection actually expanded due to a major increase in the number of recipients of invalidity and retirement benefits. The reason for this was that, indirectly, social security was channelling socio-economic tensions provoked by the economic reforms. The industrial rationalisation programmes, which consisted of the closing down of industries and the adoption of economic liberalising measures, led to massive job losses in certain economic sectors and to a decrease of the salaries' purchasing power. The social protection system, mainly through early retirement, invalidity benefits and unemployment benefits,¹¹ largely contained the effects of this economic restructuring by giving protection to the workers involved, containing potential destabilising forces that could have led to a social crisis. The implementation of these programmes required so much of the budget¹² it was not surprising that other programmes, for instance more gender-related schemes, were not put forward.

The whole environment of policy reform was framed under specific political circumstances of the first socialist period. In the end, the measures adopted by the government were highly unpopular and they could only be implemented thanks to a combination of a number of elements in the policy process.

The first and most important one is the unilateral character of the policy-making of that period. Most of the economic and social policy reforms were made with the absence of pactism. In fact, between 1982 and 1989, PSOE did not depend on the support of any other parliamentary group to pass its legislation. During the first terms of the socialist government, the Parliament had a narrow influence in the policy process while the cabinet of González had direct influence over the contents of the political agenda. As Gunther (1996) argues:

“The government's sense of security in office (based upon its huge parliamentary majority and the lack of a credible electoral threat at that time posed by any opposition party), coupled with the fact that it did not have to bargain or compromise with other parliamentary parties, were important assets which enabled the party to adopt bold and unpopular economic restructuring policies” (1996: 26).

¹¹ In 1986, invalidity benefits represented 29% of the budget of contributory pensions and 27% of all pensioners of the contributory scheme. Both percentages have progressively been reduced in -5.5% of the general social security budget and -3.54% in the number of claimants for 1996 (Anuario Estadísticas Laborales). Retirement accounts for more than 52% of the budget for public pensions since 1986. As for unemployment, Spain expends far more on this contingency than EU average. In 1980 there was 9.7 points more of expenditure between Spain and EU average. In 1994 the difference was 10.2 (SEEPROS 1995).

¹² Contributory benefits accounted in 1977 for 72% of the budget for cash benefits of social security, in 1989 the percentage increased to 90% (Informe Economico Financiero 1996).

Right after the victory of the socialist party (at the national and local level), the Prime Minister made a statement of 'programmatic corporatism' (Giner and Sevilla 1984). This referred to the opening of a new policy-making process based on the dialogue between the government and the emergent 'social forces', that is, organised labour and organised management. However, corporatism was going to remain more as an abstract and ambiguous element than a real threat to government policies. As Giner and Sevilla (1984: 135) argued, "the goals of socialist ideology had to wait for the updating and transformation of the antiquated arrangements and institutions inherited by it". Nonetheless, and according to Rico (1986) the government was accepting employers' demands for salary adjustment and labour flexibility in the belief that it was necessary to free employers from labour constraints in order to achieve economic growth and employment creation. The Social and Economic Agreement (*Acuerdo Económico y Social*) signed in 1984 by the employers' organisation (CEOE), the government and one of the trade unions -UGT-, was beneficial for the first two parties and detrimental for the third one. As Rubio asserts:

"The employers found in the agreements a useful instrument to reconcile labour relations to its own interest and necessities. This mechanism is also extended to the possibility of offering an image of social cohesion which creates an opinion climate where the employers demands for salary adjustment and labour flexibility appear legitimated" (1986: 228).

Secondly, the finance ministers were given great power in the allocation and priorities of the budget. As Gunther (1996) explains:

"Frightening statements about the deteriorating state of the economy which accompanied *claw-back* bargaining tactics (in which previous concessions to spending ministries were taken back and their budgetary allocations slashed) were employed in efforts to keep the growth of spending under control" (1996: 25).

Thirdly, a technical character dominated the policy process of that period. The criteria that controlled the reforms affecting the conditions of entitlement to the contributory system were not the ones that appeared in the agenda setting such as redistributory justice or equality, but those of rationality and economic efficiency of the

system. The reforms were implemented following technical reports.¹³ These documents contained continuous reference to ‘adjustment’, ‘reorientation’ and ‘better management’ to justify the need for reform. The restrictive actions taken were justified by putting the blame on the antecedents of the system. The technical character of the implementation stage meant they were beyond the judgement of the public. However, as Hill (1997) notes, to give prominence to bureaucrats and technicians within the administration is also a political option, since they can execute a hidden political role.

Confrontation versus dialogue. The conflictive nature of the policy process

The reform of 1985 opened up a tense climate of confrontation between the unions and the government that was progressively intensified until the Programme for Youth Employment in 1988 was instigated. This programme included features of flexibility in an attempt to stimulate employment growth and was the last of a number of restrictive and aggressive measures implemented in the absence of pactism, which culminated in the confrontation between the government and the workers organisations. Trade unions organised two general strikes, the first one (1985) was against the 1985 reform of the pension system and the second general strike, in December 1988, was a reaction against further liberalising measures of the labour market in a context of economic recovery. These strikes, particularly the second one that had huge support from the general population, forced the government to give concessions that led to a new period of co-operative agreements.

The new strategy of unity (Migueléiz 1995) of the two main trade unions -UGT and CC.OO.- allowed for this new direct confrontation against the economic and social policy of the government. After the break down of UGT and PSOE relations, unions abandoned their previous division and entered into a strategy of co-operation. Moreover, the new legal framework that came out of the Organic Law of Unionist Freedom (*Ley Orgánica de Libertad Sindical*) approved in 1985, also gave trade unions the necessary independence from political parties to undertake a strategy of confrontation. This new law institutionalised trade unions’ power of intervention in the bargaining and collective agreements within enterprises. The law established that trade unions capacity to intervene

¹³ Such was the case of the consultative paper *El Libro Naranja*, written in 1985 by representatives of the social security administration. It was the most immediate antecedent of the 1985 social security reform. The document was severely criticised by employers and employees organisations

in labour relations and institutional representation would be determined by an electoral system of representation within the enterprises and not directly through affiliate representation.¹⁴ This new situation gave trade unions considerable powers of representation in a period of affiliation retrenchment but, as will be examined in detail in the following chapter, did not favour the integration of women's demands in the dynamics of the organisations.

In fact, as Ortiz (1999) argues, despite the 'period of euphoria' (1977-1978) when membership reached percentages of up to 40-50%, the percentages have always remained very low (15%). These membership rates are among the lowest in Europe and yet the industrial disputes' rate, defined as the number of working days lost because of conflict between employers and employees, is among the highest (Ortiz 1999).

Nevertheless, the conflicts between trade unions and the government had no visible effects in governability¹⁵ and further liberalising economic measures were still being adopted, as well as the progress towards the professional character of the system. This was possible because union pressure aimed at attenuating the consequences of these policies to the central core of workers, maintaining a relatively reduced number of first order social risks. The groups that were affected most by the liberalising measures were those whose interests were not represented by any of the social and political partners involved in the process. Therefore, from a gender point of view, the opposition of trade unions to the governmental reforms was relative. The design of the social protection system that came under the 1985 reform was never really challenged by trade unions because it did not damage the expectations of their most solid clientele. Social security consolidated specific circuits of distribution, as a sort of what Ferrera (1996) calls 'welfare clientelism'. As for the employers' organisation, the CEOE, even when it was not actively involved in policy reform, it has prioritised private market solution to chronic social security problems, far less attention being paid to the peripheral labour market in which Spanish women are over-represented.

In addition, and as Rodriguez Cabrero (1997) argues, the relative freeze of welfare state development has not implied, until now, a crisis of legitimisation that has not been

¹⁴ The workers organisations that reach at least 10% of the votes in the elections (15% at regional level) have the right to a number of important issues: the right to negotiate and sign collective agreements of general application; the right to independent unionist representation within enterprises; and the right to have representation in the tripartite public bodies.

¹⁵ Six months after the general strike of 1988, PSOE revalidated its term of office for another four years.

politically controlled. The strengthening of the occupational character of social security coexisted with an extension of welfare rights. There are large groups of citizens that although lacking access to the core protection system, do find access to other protection schemes at, generally low-income levels. This sort of 'patronage' maintains a considerable degree of complexity and multiplicity in determining the type of protection given and its gendering impact. On the whole, the logic behind the system of protection is clear in its main traits but becomes puzzling in many situations. It should not therefore be difficult to understand why issues such as gender equality cannot easily find their way through the principles that govern the system of protection. The system tries to cope with a set of acquired rights and, given the fact that there is always a limited budget for it, it does so through the precept that, eventually, 'everyone will get something'.

In 1989 there was a new cycle of co-operation between the government and trade unions. As has already been mentioned, after the victory of PSOE in 1989 and in a context of economic recovery, the government and trade unions agreed social and labour reforms. UGT and CC.OO. promoted a "Priority Union Proposal" (*Propuesta Sindical Prioritaria*) that had as principal objectives employment growth, the improvement of social protection and income redistribution. According to Montoya (1997) this proposal opened the way for the 1989 reform and the 1990 law, that established for the first time a unified system of non-contributory benefits for all those claimants not entitled to contributory benefits. Therefore, the agreements permitted the expansion of expenditure on social services, the increase in the unemployment protection, the universalisation of health care, and created the basis for the non-contributory pension law in 1990.

During the 1990s, social protection in Spain was conditioned by a new economic recession from the end of 1991, which together with the requirements of the Maastricht Treaty in 1992 justified a new cycle of restrictive and liberalising measures. In 1992, in the economic policy field, the socialist government led the "Plan of Convergence of the European Community" which deeply affected labour market flexibility policy. In this case, *européanisation* meant the control of public deficit and budget constraint. The need to have a more rational and efficient social security system was partly also a requirement from the European Union.

In the 1993 elections, PSOE extended its period of office although with a substantial decrease in the number of seats in the Congress. The loss of the absolute majority in the Congress of Deputies brought a new political structure in which the

government had to negotiate with other parties and where the power to establish economic and social policies was substantially reduced. Specifically, the new single-minority government of PSOE needed the legislative support of the Catalan centre-right nationalist party CiU. This had important implications on policy-making in terms of budget priorities. Policy issues were largely intended to impose greater budgetary austerity and liberalisation of the labour market. The labour market reform of 1994 was the deepest liberalising reform of the socialist period. It created new labour contracts with very limited or no social protection, more power was given to the employers by reducing the costs of redundancy and temporary employment agencies were legalised.

The project for a selective privatisation of public enterprises was initiated as well as the strengthening of the assistential nature of social services. A new model of public funding also came as a result of the new power relations, with a substantial increase in the flow of resources from the central government to the various regional governments (15% of IRPF) (Gunther 1996; Gomà and Subirats 1998). This new period of liberalising economic and labour policies was again taken to be justified by the new recessive cycle of the economy.

According to Adelantado and others (1998) the political climate of the last socialist government helped to create a favourable atmosphere for the financial world and the employers' organisation to raise demands for the privatisation of the public pension system. This general neo-liberal environment reduced the power of confrontation of trade unions. The two general strikes organised (the first on May 1992 -half day- and the second one in January 1994) did not stop the government from transforming the liberalising projects into actual labour market reforms.

Nevertheless, trade unions still had considerable power over labour relations in the form of single pacts with the government or the CEOE concerning single issues.¹⁶ In this sense, the 1994 reform promoted the development of collective agreements as regulatory elements of labour relations and conditions of employment. To implement the idea, several issues have ceased to be regulated through state rules, for instance, the organisation of salary structure.

¹⁶ In 1991 a new institutional channel for the social dialog was created: Social and Economic Council *Consejo Económico y Social –CES–*. A consultant body for economic and labour affairs. The objective of the Council is to reinforce the participation of economic and social agents in the economic and social life.

Although the direction of labour and social reforms did not work in favour of ameliorating gender inequalities, the government, driven by the IM, introduced legal changes aiming at establishing formal gender equality. The introduction of the clause 'equal pay for jobs of equal value' in the Workers' Bill of Rights is a good example. This principle of equality was adopted in a reform that, because of the type of labour flexibility imposed, appeared to be hostile to women. The targeting of employment flexibility would affect groups with unstable and precarious relationships to the labour market, namely, young people and women.

The Future of social policy: The Toledo Pact

From 1995 onwards there was a shift in the character of policy-making processes. Direct confrontation seems to be abandoned at the cost of giving up global demands and focusing on more partial objectives. It was in this context that the Toledo Pact was created and signed by the majority of political parties and trade unions. The pact was a further step in the reassertion of the nature of continuity for the future policy-making process in two broad senses: in the sense of the issues that had to be objectives in the agenda and also in the sense of the actors legitimised in the process.

As discussed in chapter 3, the Toledo Pact implicitly proposed increasing the degree of proportionality between benefit and contribution, and thus moving away from the principle of redistribution and social equality and reproducing the inequalities in previous incomes. This new pact, although situated within a social context of spectacular changes in the labour market and social realities that affected mainly women, did not contemplate any kind of measure in favour of a more equal gender distribution of benefits. From its inception it could be argued that the Toledo Pact did not incorporate into its considerations the serious needs of underrepresented sectors of the population.

In terms of the social actors, the Toledo Pact guaranteed the legitimisation and exclusive role of the social agents integrated within the corporatist relations' structure. The employers' organisation did not sign the final document although it was certainly putting pressure on reducing social security costs for the employers. Trade unions and the government opposed CEOE's interests for an increasingly privatised pension system. Nonetheless, the employers were able to see through the Toledo Pact some of their demands, such as the development of private pension schemes.

The constitution of political relations that came under the frame of the Toledo Pact reaffirmed the resistance of the legitimised social and political actors to introduce changes in the distribution of power, both in terms of capacity to intervene and to participate in the policy-making process. New labour performance patterns affected by labour market flexibility and new gender roles produced by the breakdown of the strict division between the public and the private sphere are not mirrored by the introduction of new social actors onto the scene. Furthermore, the potential of *state feminism* to act as mediator between women's interest and the state was not supported.

The Toledo Pact was the direct reference for the last important reform on social security in 1996 and under the rule of the Conservative Party (PP) (General elections March 1996). The government and the trade unions (UGT and CC.OO.) signed the Agreement on Rationalisation and Consolidation of the Social Security System. The employers' organisation did not sign the agreement, presumably due to their disagreement about the maintenance of the purchasing power of the pensions.

Once more, as had happened in previous reforms, the 1996 agreement did not introduce any kind of global reform to the system. The main goal was, as it has always been, the revision of the economic-financing system within which social security is based. The structural problems of the system seemed to involve only the economic aspect. Issues concerned with the new needs of protection produced by a changing social reality were not considered. In this sense it is unsurprising that there is no measure taken to protect women in their domestic and family activities in order to allow them the development of their professional careers.

Conclusions

The degree of policy legacy from the previous Francoist regime conditioned the policy process of the early democratic period in terms of the number of issues inherited from the past that became prior objectives in the agenda and also in terms of the social actors who led the policy change. The importance of structural problems, from administrative and institutional deficiencies, to the political and economic environment, forced the exclusion from the policy agenda of objectives of a less 'urgent' nature. It is difficult to know if in a less constraining context, gender issues would have been put forward. What we can be certain about is that, in an environment of consolidating democracy and economic crisis, gender equality was not considered to be at the top of the

list of political objectives. Also, the neo-corporatism of the first years of democracy re-established the legitimate role of industrial labour relations, which entailed a potential conflict between the social actors who had been legitimised and those that had not, at least within an institutional framework, such as the feminist movement.

Once democracy was consolidated under a long period of a social-democrat government, the 'gender issue' was ideologically recognised and formulated in the process of agenda setting although the course of social and labour policies suggest that it was somewhat marginalised when policies were put into action. The social protection system played an instrumental role in the socio-economic transformation of the country, which also constrained the introduction of new issues into the agenda.

Chapter 6

Policy Access of Women's Advocacy Groups -Views on Gender Equality-

Introduction

Chapter 5 has given some clear grounds for understanding the factors that have shaped the policy process and its implications in terms of gender. However, there are a number of key questions that need to be addressed to complete the picture that has been sketched and to respond to the research questions formulated at the beginning of the study. We still do not know what the capacity of women's advocacy institutions to intervene, either directly or indirectly, in the policy process has been. How gender issues, in relation to the social protection system have been conceptualised by the actors intervening in the policy process and what the discourses and ideologies that embrace social actors' strategies are.

With this in mind, the explorative nature of the qualitative approach that will be used in these next two chapters to interpret the interviews and documents, undertaken as primary research material, aspires to answer the questions formulated in the first chapter. That is, to what extent are women represented by social actors or as social actors in the policy process? And how are gender equality issues targeted as objectives in the social protection agenda?

In chapter 2 we discussed the importance of overcoming the political exclusion of women in order to construct real gender equality policies. There are very interesting questions regarding women's political participation, in particular whether this participation confronts the way we think about politics and the perception of political boundaries (e.g. the difference between formal and informal politics). These questions will not be pursued further here since our main concern focuses on a specific aspect of political representation. What Phillips (1996) calls the 'politics of presence' is articulated in this research through the study of the policy access of women's policy machinery. As explained in chapter 1, the concept of women's policy machinery is used to include not only the governmental institution, the *Instituto de la Mujer* -IM-, but also women's bodies

within trade unions, which are the CC.OO.'s Women's Secretariat and the UGT's Women's Department.¹

Policy access, as was also defined in chapter 1, refers to the capacity of these women's advocacy organisations to intervene directly, as part of the policy process, or indirectly, by acting upon the actors involved in the process, in those policy arenas dealing with social protection issues. As explained in chapter 1, the capacity of women's advocacy groups to influence the administration and unions' general policies greatly determines the chances that gender equality and discrimination issues might have in obtaining specific consideration. The research will then focus on whether gender policies and equal opportunities policies are strategically integrated with other public policies or whether they are designed and implemented in isolation.

The relationship between the two women's policy machinery will determine the capacity of the two bodies to intervene in the policy-making as a pressure group representing women's interest. Do these two bodies share a common strategy for action? Or are their respective interests conflictive? The relationship between the two bodies will be closely related to the influence of the feminist movement in each of them. The last section of this chapter will explore the two bodies' strategies for gender equality and the circumstances that might have worked in favour or against the accomplishment of their goals.

Policy access of women inside trade unions

One of the most reiterated objections to women's bodies within the unions since their creation has been their lack of representation. With regard to the CC.OO., the demands of the Women's Secretariat for female representation were already present in 1988, in the main official document of the union. The director of the Secretariat asked for the establishment of a 25% quota of representation (TUdoc5). The proposal was rejected however, introducing just a recommendation to be developed in the future. The union was then criticised for not having responded to women's demands, failing to establish mechanisms for the increase of female representation in the union's organisational structures.

¹ See appendix 1 for the description of the interviews.

Three years later, in 1991, the Secretariat urged the incorporation, into the union's Articles of Association, of two new articles referring to the proportional representation of women on the boards of direction (TUdoc6). The contents of the articles were, first that female representation in the boards of direction would have to be, at least, proportional to the level of female affiliation in a given area. Second, that each federation and regional division of the union would have to create a department similar to the central one. Increases in terms of budget and infrastructure were also demanded. The main objective was to integrate women, and women's issues, within trade unions' dynamics (TUdoc6). However, and again, the requests did not pass. In the congress's election the proposal of the two new articles received 74 votes in favour and 88 against. In the end, the request was considered as a non-compulsory recommendation. More recently, in 1993 and 1994 (TUWdoc1 and TUWdoc2), the director of the Women's Secretariat was still demanding mainstreaming (*transversalidad*), i.e. the principle of integration of gender issues and women's demands in the global action of the unions, as well as proportional representation. There have been no formal commitments on the part of the union towards either of these issues.

Nevertheless, compared with the UGT, the Women's Secretariat of the CC.OO. has been more successful in gaining representation inside the union. The Women's Department of the UGT is a more recent creation and has a lower statutory level. When the department was fully created in 1990 the only reference to women's participation within the union was a recommendation "to make an effort in order to increase female representation in the executive committees to reach proportionality with the percentages of female affiliation" (TUdoc5). Although in the UGT there is a quota system (between 80% maximum and 20% minimum representation at all levels of the Executive Committee, congresses and electoral lists) the quota is, as the respondents expressed, not implemented.

However, as has been argued, although women in the CC.OO. received more straight forward recognition within the union, the battle for representation was still as imperative as in the Women's Department of the UGT.

What are the obstacles for their intervention inside trade unions? In an attempt to identify the problems, the first thing that needs to be said is that low female membership rates cannot count as an explanatory factor. A result of changes in the labour market

structure giving rise to new employment sectors² with larger numbers of female employees, have meant that women have become an increasingly important part of trade union membership. Coupled with this, the traditional member profiles, that is, workers of the metal and building sectors, have become less significant. In 1996, female union density reached 27% in both trade unions, with the majority of members in the education sector and around 40% in the public sector.³ This suggests that factors other than membership need to be looked at in order to assess the real difficulties women's advocacy groups inside trade unions face in accessing decision-making structures and in integrating equal opportunities policies in unions' strategies. In fact, as argued in the previous chapter, the nature of the trade unions' membership does not explain the power of these organisations. From 1985 onwards, trade unions' institutional power has been based on electoral representation rather than on membership. Trade unions' legitimacy through the election system certainly has its consequences in terms of the representation of groups, such as women, that have not belonged, in an explicit way, to traditional corporatist arrangements. To the extent that these traditional corporatist arrangements were funded under the framework of industrial relations, women were included but in a subordinated position since the image of the male industrial worker was constructed through assumptions of sexual divisions of labour. As one interviewee argued:

“There have been substantial changes over the last years in affiliation and yet it is taking a long time for the union to realise that there has to be a change of strategy. We know now that the labour market is changing and that trade unions will have to become more open to other workers different from industrial workers, but changes occur very slowly” (TUW2).

Supporting this point, another respondent pointed out:

“We still operate with the same codes as in the past, when unions were working class, industrial and male organisations. However, this is no longer so. After the economic restructuring, unions are not so industrial, not so working class and not so male, they are being more and more feminised and the service sector is gaining more representation” (TUW3).

² In 1985, the metal sector accounted for around 30% of representation in both unions and the building sector 14% in CC.OO. and 6% in UGT. In 1996, metal and building sectors descended to approximately 22%. The sectors that experienced substantial increases have been the public sector (7% in 1985 and 23% in 1996); education (2% in 1985, 7% in 1996) and services (11% in 1996) for UGT. (Führer 1996; Ortiz 1999).

³ Information provided by Francisco Borges, Secretaría de Organización, CC.OO., February 1999.

One of the issues that needs to be explored is how the officials from women's policy machinery are seen in the whole structure of their organisations, and what their specific role is. In particular, whether their actions are seen as complementary to or conflicting with those of the unions. The key question regards the extent to which women can push forward gender equality demands in organisations that in principle cannot easily integrate such perspectives.

The 'communist' trade union, the CC.OO., was able to integrate the feminist discourse within the general discourse of communism at a very early stage. This openness to gender issues was in fact a common trait throughout the communist party, which, as we have seen in chapter 3, gave birth to one of the most important democratic feminist movements (*movimiento democrático de mujeres*). Since 1978, the issue of discrimination against women has been present in the unions' records. Nevertheless, this was not a 'happy marriage'. The 'woman trouble' could be incorporated into the principles of the union only as an expression of the capitalist exploitation. As manifested in one trade union report:

"Working women, and *women* in general, freeing themselves from the capitalist society, also free themselves from large part of its oppressions and inequalities (...). An analysis of the 'feminine question' has only a value if is directly related with the economic reality" (TUdoc1).

From this point of view, the feminist movement was seen as an ally to the working class movement, and thus feminists were given recognition inside the trade union as long as they could remain loyal to that other more important division of social class.

However, officials of women's groups within the unions did have a broader feminist view. Their reports acknowledged from the beginning the cultural and political dimension of women's oppression. The feminist interpretation of the public-private divide was frequently used as the reference for their analyses. They saw themselves as successfully representing a feminist reference point and as a kind of pressure group within the union. As one respondent argued, the connection between the feminist movement and the working class movement was present since the creation of the Women's Secretariat:

"When the *Secretaría* was created, we argued from the beginning that it had to be a bridge between the feminist and the working class movements" (TUW3).

Another respondent argued that the relationship had to be intrinsic to the two movements:

“I think that the feminist movement and the working class movement have to be there helping each other because we need each other”(TUW2).

An additional problem for female participation within the unions is the organisational patterns. Time constraints and the incompatibility between family responsibilities and work responsibilities undermine women’s opportunities to intervene, though the issue is not acknowledged by their male colleagues. As one of the respondents pointed out:

“Women that decide to work voluntarily on the organisations do not normally have family responsibilities. At the moment we are four women in the Executive Committee and the profiles are single, widow, and women with grown up children. At the lower echelons, all governing bodies gather on Saturdays, because they do not have union-representation recognition, the law only gives that to large enterprises where there is a person, or more than one, just working as a trade union delegate within the enterprise. However, Spain is a country of micro-enterprises and family business where people that are affiliated and work for it have to do it in non-working hours, and that means giving up many things”⁴ (TUW1).

Making a similar point, another respondent argued that trade unions were still functioning with male uses of time and that represented a fundamental barrier for the participation of women. She argued for the abolition of old habits in the way trade unions work, in particular the necessity to adapt working hours of the union to female timetables. Reference is made to the ‘monolithic image of the worker’ as a male and industrial worker (TUW2).

“Men have more spare time to spend in extra-working activities. Women always have to combine domestic duties with paid work, and that leaves them with no time to get involved in other activities, such as trade union participation. (...) Everything is structured around men, timetables, the language and the patterns of organisation, everything is designed on the basis of a male social organisation” (TUWdoc1).

⁴ According to Führer (1996) 80% of the enterprises where union elections take place are small enterprises, from 6 to 49 workers.

Since changes in the structure of trade unions membership have occurred, preceded, as they have been, by changes in the labour market, the problem then is how to modify structures of power defined through a clear gender division.

One of the solutions that is being put forward is to challenge this gendered division of labour in the public and private spheres. As respondents have argued, if men and women share domestic work, both will have time to spend in *public* work. However, these proposals would need a whole redefinition of how trade unions work.

“In some spheres I think the only solution would be to make a radical change in union politics and we don’t make that step and I think that is because there are too many fears and many problems to face that challenge” (Tuw2).

Both feminist bodies have to work within predominantly and traditionally male organisations and that places them in a difficult position. While their enrolment to workers’ organisations gives them a greater representation power than other non-institutional feminist groups, that same condition acts as a barrier to their capacity to create strategies of confrontation within the corporations.

Respondents held that their role in creating awareness of the equality issue revealing problems that needed to be addressed is formally accepted and recognised, though they still lack the power and mechanisms to guarantee that action will be taken. Female officials within trade unions understand that their active representation in the highest spheres of the organisations⁵ is the only way to overcome that obsolete ‘male culture’.

Collective bargaining and equal opportunities

Collective bargaining is a fundamental procedure for the enforcement of gender equality law. The outcomes of collective bargaining are to a large extent decisive for the implementation of equality legislation. Moreover, in Spain, the coverage of collective bargaining is greater than union density.⁶ A large percentage of the labour force (around 70%) is covered by collective agreements (Kravaritou 1997).

⁵Female delegates: 19% CC.OO. and 18% UGT (data 1990). Confederate Executive Committee (maximum representative body for CC.OO. and maximum decision-making body for UGT) 20% CC.OO. (4 women and 16 men) and 9% UGT (1 woman and 10 men). Confederate council of CC.OO./Confederate committee of UGT (maximum body between congresses –with representation of territorial and federal structures- out of a total of 151 members, women represent 10% in CC.OO. and 4% in UGT.

⁶ Coverage of collective bargaining: the number of workers covered by collective agreement as a percentage

Collective bargaining and equal opportunities (EO) is a broad field of research and there are many issues to consider. To begin with, the link between equal opportunities policy and gender equality cannot be taken for granted. As Bercursson and Dickens (1996) have argued, differences can arise from different understandings of what EO policy is about. Provisions, which appear to be 'EO provisions' in practice, may be double-edged for women's equality, with negative potential in terms of promoting equality.⁷ Important as it is the whole scope of collective bargaining and EO cannot be considered here. Rather, the focus will be on their significance as one fundamental dimension of the policy access of women's union bodies.

According to the interviewees, collective agreements can be paradoxical with regard to women's interest. They can indeed work towards gender equality policies but also, gender equality issues put forward through legislation might be undermined in reality. Respondents pointed out a number of obstacles in the use of collective bargaining as an effective mechanism for the enforcement of gender equality legislation. Firstly, collective bargaining is a gendered process in itself. As Bercursson and Dickens (1996) point out, collective bargaining as a concept is not particularly focused on equal opportunities and its potential as a mechanism for the achievement of equal opportunities needs to be explored. Secondly, there is no formal commitment to the acceptance of equal opportunities by unions and employers.

Considering the first aspect, the culture behind bargaining mechanisms is still dominated by industrial relations' framework. In the view of the respondents, actors involved in collective bargaining often have discriminatory attitudes. In this respect, interviewees argued that the introduction of equal opportunities policy is confronted with two separate problems: first there is a problem of unawareness, in the sense that the difficulties women face are not identified. Second, there is also a problem of opposite demands.

"They understand perfectly well positive action in the case of handicapped people, they never think that the measures are discriminatory for the rest. However, when it comes to gender they say that qualified women do not have any problem to get promoted. They do not understand that there are mechanisms that exclude women from certain key positions in the labour market or trade unions" (TUW2).

of those wage and salary earners. Union density: proportion of eligible workforce in membership of unions (Bercursson and Dickens 1996).

⁷ This is the case of measures which reinforce the principle that women have primary responsibility for childcare, or flexibility arrangements for female workers that in practice withdraw them from full-time

This view seems to suggest that while the importance of equal treatment is recognised, inequality of outcome through the disadvantages of women in the labour and social structures, is still largely unacknowledged by the actors involved in the process. Reflecting on the concept of equality, one respondent noted that:

“From the left in general, issues on egalitarianism seem to have been very harmful because to be equal has often been understood as treating everyone equally when not everyone comes from the same starting point” (TUW2).

The difference between equality of treatment and equality of outcome has been outlined by several authors (Bercursson and Dickens 1996; Kravaritou 1997; Bergamaschi 1999) as a main challenge in conceptualising equal opportunities policy. While the former focuses on formal and procedural equality, the latter refers to substantive equality, and is concerned with the “outcomes of the game rather than the rules of play” (Bercursson and Dickens 1996: 16). Equal opportunities cannot be successfully achieved until the two dimensions are taken into account.

However, as respondents argued, one of the most difficult aspects of equal opportunities policy is how to make visible issues that appear to be invisible in most of the agreements. How to discern the discriminatory effect of apparently neutral arrangements, such as pay classification systems. Gender equality legislation leaves room for different interpretations and some of the principles are not well defined. This is the case in ‘equal pay’ measures, which are intended to reduce horizontal segregation due to wage differentials between men and women. As respondents pointed out, the procedures that are used to categorise the value of jobs are not clearly identified and the evaluation of female jobs has not been incorporated into the classification programmes.

“We argue that sexual discrimination in the market place lies above all in wages differentials, men and women are not paid equally for similar jobs. Therefore, in order to apply the ‘equal salary for jobs of equal value’ we need to know first how to define jobs of equal value. We need to know what kind of systems enterprises are using to determine jobs’ value, and how those systems are applied” (TUW2).

Considering the ‘no commitment’ to the acceptance of equal opportunities by the social partners involved in collective agreements, one of the respondents argue that issues

employment (Dickens 1998).

that concern women are often ‘swept under the carpet’, meaning that other issues will have priority in the bargaining process. When the negotiation first starts, both parts, the employers’ representatives on the one hand and the employees’ representatives on the other, have very ambitious demands knowing that they will have to give up things in order to arrive at an agreement. Once negotiation has started, what are considered to be the less important things are treated as ‘bargaining counters’ in order to keep what is considered to be the really important demands. As the interviewee pointed out, issues dealing with women’s social rights, such as maternity benefits, are rapidly left out of the agenda.

“Maternity leave is the first thing that falls in the negotiation process although it is contemplated in the Articles of Association (*Estatutos de los Trabajadores*) and is regulated by law, but they don’t care about the law. It is difficult when it is legally recognised, can you imagine if it was not explicitly written on a legal text and we had to convince them on the collective agreements, it would be impossible” (TUW1).

Despite all the problems, respondents argued that both levels of intervention, that is legislative enactment and collective bargaining are necessary to successfully achieve the integration of gender matters into the agenda. A legal framework favourable to equality measures is essential, though not sufficient, to address equality issues in collective bargaining. Legislation at both, national and supranational level (EU Directives) is from the respondents’ point of view the real driving force behind EO policies. What is still needed, they argue, is the effective implementation of measures that have formal recognition. Women’s representation in policy-making is seen as the only solution to the problem. Respondents saw a direct link between women’s presence in leadership position and in collective bargaining arenas and progress of equality agendas. One respondent argued that:

“It is essential to achieve greater female representation in our internal elections, it is the only way to sit on the collective agreements. At the moment 98% of the people that negotiate the collective agreements are men and although we try to train them and explain the situation, it is hard to obtain anything from them. We need a quota to have greater representation in the elections but the quota in itself is useless, we need to change the way trade unions work” (TUW1).

The actors that intervene in the agreements see gender equality issues as irrelevant and therefore women’s success in this field greatly depends on their own capacity to

intervene as full participants in all the stages of the agreement process, from the formulation of the policy to its implementation. Transparent evaluation of progress, effective monitoring and control mechanisms to guarantee commitment are other issues seen as necessary for effective implementation.

From the evidence drawn on so far, there is a clear tension between women's unions bodies representing the specific interests of women and their belonging to the general body of workers' organisation. Whilst, these bodies obtain recognition and are formally accepted by the traditional structures of the organisations, when their demands clash with the consolidated interests of certain groups within trade unions, they are generally undermined. Although there is an evident conflict of interest, this antagonism is not allowed to come before the common cause all workers are seen to share as a more or less 'united workforce'. Women's unions bodies have limited official role and that is a clear obstacle for their capacity of action. The conflict exists not only in the culture of trade unions but also in the interests and subjects to be represented. However, women within trade unions cannot pursue a strategy of direct confrontation since their 'policy access' is surrounded by problems due to their fragmented representation.

Policy access of the IM

To understand the capacity of the IM to intervene in the policies of the government, attention needs to be paid to the origins of the body. Why and how was the IM created? Who pushed for the creation of the IM? How do the interviewees see the creation of the IM and how do they position themselves in terms of their relationship with the government on the one hand and the feminist movement on the other?

The creation of the IM in 1983 was a result of an ideological commitment of the socialist party but the existence of double militancy (women feminists and socialists) was crucial. The IM would not have been created without the push coming from a number of women within PSOE, with a clear feminist background.

The feminist character of IM's directors and their actions and strategies was clearly stated throughout the interviews. They all highlighted their involvement with the feminist movement before the IM was created. The words 'feminism' and 'feminist' were widely used by all interviewees when referring to actions or strategies developed by the IM, establishing thus a sense of belonging to the feminist movement. However, as outlined in chapter 3, at the time the IM was created, the Spanish women's movement

was debilitated for a number of reasons. Thus, IM officials considered themselves as a sort of 'elite' of the feminist movement, working for the movement but to a certain extent, without it. In this sense, the IM can be seen as a kind of feminist lobby within the government. Two of the respondents expressed this relationship between the feminist movement and the IM at the moment of its creation:

“The demand (to create the IM) was not so much outside, in the streets, as inside. Outside there was the feminist movement, of course, but the feminist movement at that time was very alternative. The ideological commitment of the party, following the social-democracy approach was very important, but that was sustained, supported, and argued by a group of women, and Bustelo⁸ was the soul of the whole thing”(IM2).

“I think there has always been a good feedback between the feminist movement or the women's movement and the IM because we all came from there (from the feminist movement). There was a great respect to start with and a very receptive attitude towards the movement. What happens is that, as far as I can remember, the contributions were on very concrete things” (IM1).

Thus, the institutionalisation of the feminist movement through the creation of the IM can only be understood within the political context of a social-democrat party that shared with the feminist movement views on gender equality. Moreover, and as argued in chapter 3, the solid majority of PSOE's first governments also contributed to the consolidation of such commitment. As Sainsbury (1999) argues, political parties display very different degrees of political commitment to gender equality and left parties usually offer a promising arena and target for feminist activism.

The international context had also worked in favour of the IM since its creation. The experience of other countries and the expansion of European legislation on gender equality contributed to the political legitimacy of the IM. Doubly militant women within PSOE started to demand the creation of an administrative body for gender equality issues, before the socialist party came into power, as a consequence of similar experiences in other European countries. European equality policies were used as legitimisation instruments for the IM's equality programmes.

⁸ Carlota Bustelo, first director of the IM and the founder of *Mujer y Socialismo* a group within PSOE's executive committee, created before the IM, in charge of creating an institutional framework for feminists within the party.

“The entrance in the EU was fantastic because we could go all the time to Brussels and bring ideas back, the first PIOM was the transposition of the second EU Equality Plan” (IM1).

“We used it as a reference, as a legitimisation, as experience. It was not just the elaboration of concrete policies, we also took from them many concepts, and many ways of acting. In Europe there was a practice of regulations that went a step further from the strict principle of formal equality, such as measures of positive action” (IM2).

Nevertheless, the feminist background of the IM and the independent character of the directors, in the sense that they seemed to be more devoted to feminism than to party politics, defined a particular relationship with the government. As one respondent pointed out, the configuration of the IM was not well institutionalised and structured.

“We were a kind of extra-system institution, with few administration rules and with a composition of people that came from the feminist movement. We tried afterwards to make the institution more professional, in the sense of having women experts on administration, but at the beginning, the IM was nourished from the lines of the women’s movement” (IM1).

Was the IM’s lack of administrative and political weight level a limitation for IM’s policy influence in policy-making? There is not a clear agreement. Two of the directors argued that a basic problem was that the director of the IM was not situated in decision-making, thus having little possibility to really influence the process. According to this view, the problem was that the IM did not take part in the creation of the policies, it did not have a voice when the policies were being created and discussed.

“We knew that we had to intervene in the policy-making process, we believed in the mainstreaming of equal opportunities policies, we knew that we had to be involved in the great formulations of state policies but we had very rudimentary tools. I always said that the problem was not to have the budget for us to do the policies, but I think that a body with more real strength within the administration would have been more effective” (IM1).

However, it is also argued that, although not enough, the power of the IM was sufficient to achieve important political goals.

“The IM has always worked subsequently more than before the formulations. I always said that it would have been necessary to have a body with more political power, with

direct influence in the place where policies were being defined. In that sense, the IM could have done more, but in any case, important things were done, we could not act with the idea of “all or nothing” because in that case nothing would have been done. The abortion law, for instance, that has always been one of the most important battles for us, was never passed”⁹ (IM2).

Another IM’s respondent argued that the problem was not the low political and administrative rank given to the IM.

“ It was not a question of giving more power to the IM. The IM was a General Directorate (*Dirección General*) and more than that it would have had to be a ministry. At ministerial level, the co-ordination of the different policies is more difficult. In theory you gather at the same level but then the General Directorates implement the programmes. In this sense the IM was well situated because it had an administrative level where mainstreaming was possible. (...) Each ministry has its own behaviour, its own mechanism, and no one thinks about women’s issues, you then need an organisation that can constantly raise the problem. It is evident that such organisation cannot be a parallel one (i.e. a specific ministry), because you cannot create a counter-society for women” (IM3).

However, whether the administrative and political level given to the IM was or was not sufficient, the IM as a General Directorate still had room for improvement in terms of policy intervention. IM officials recognised such deficiency and introduced within the second equal opportunities plan a new section on “social and political participation and women’s access to decision-making positions” (IMdoc2) that did not exist in the first one. The concrete objectives in this field were to increase the number of women in the higher levels of the public administration and public enterprises and to “persuade” private firms of the “convenience” of including women in their governing bodies. The IM created a number of training programmes on equal opportunities policy for civil servants. It also carried out campaigns to raise public awareness of the problem.

Furthermore, women’s policy machinery intervention in governmental policies requires an effective co-ordination or ‘mainstreaming’ (*transversalidad*), meaning the implementation of gender equality policies within all areas of public policy. This policy co-ordination was a major objective for the IM, since its political power very much

⁹ In 1983 the government introduced the abortion bill. Abortion was legal under three circumstances: in case of danger to the life or health of the mother; in case of (reported) rape; and in case of malformation of the fetus. Pressure from the socialist feminists to widen the strict restrictions of the bill did not succeed, the bill remained in its original conditions until the end of the PSOE’s period of office in 1996.

depended on its chances to intervene in the rest of social and labour policies to really make sense of the, otherwise isolated, gender equality policies. However, interviewees, although making continuous reference to the need to integrate IM's policies within other governmental policies, also argued that they lacked the power to make it effective.

The strategies of policy co-ordination were established through three main mechanisms. Firstly, there was a horizontal co-operation between all the different ministerial departments that were dealing with areas of relevance for gender issues (employment, education, health, etc.). Secondly, a mixed Parliament/Senate committee for women's issues was created. And thirdly, the IM established the Advisory Council (*Consejo Rector*), which was a representative body for IM's intervention in other policy areas and for other women's advocacy groups' intervention in IM's policy strategies.

The horizontal co-operation between the ministries consisted of bilateral agreements signed by the different ministries and by the IM¹⁰ to incorporate gender equality programmes in their agendas. However, in reality, this co-operation framework was limited to the appointment of a delegate from the IM in each inter-ministerial body to supervise the effective integration of gender equality programmes in the agendas of the given department. In practice, there was no compulsory commitment on the part of the inter-ministerial bodies to implement the recommendations given by the IM delegates, it was thus, largely dependant on the political will of the specific ministry.

At the legislative level, the creation of a mixed committee Parliament/ Senate¹¹ of women's rights, was also an instrument for the integration of gender policies within other sectors' policies. As one of the interviewees pointed out, this mixed committee:

“Was a very interesting instrument because it obliged the ministries to at least, explain things. (...) The IM could ask for the appearance of the ministers and they, even if it was just because they had to talk in front of the opposition, had to prepare the work and explain what they were doing in relation to the equality programme” (IM1).

IM's directors judged both actions as significant achievements, in the sense of placing issues on the agenda that were absent before. Through those two mechanisms, gender discrimination issues acquired a political status. Nevertheless, the efficiency of

¹⁰ During the second PIOM, the IM signed agreements with the Ministry of Education (to develop non-sexist education), the Ministry of Health (to improve women's health) and with the Ministry of Justice (to deal with the specific conditions of female prisoners) (IMdoc2).

¹¹ *Comisión Mixta Parlamento/Senado de derechos de la Mujer.*

these two instruments depended very much on the political disposition since there was no concrete implementation procedure.

The other mechanism to accomplish policy co-operation was the Advisory Council, a representative body that fulfilled a double role. On the one hand, the IM could intervene through this entity in other public policies areas and on the other hand, the Advisory Council was also an entity for the intervention in IM's policy formulation for external women's associations and bodies. This last aspect of the Council will be analysed in the following section. In relation to the first aspect, the panel would in principle serve as a gathering point for all those institutions and non-state organisations dealing with women's issues and the purpose was to analyse the actions undertaken by the different ministries in gender equality and from there, establish the adequate action. However, as will be also analysed in the next section, the Advisory Council lacked a number of elements needed to fulfil this objective.

Some of the respondents recognised additional problems for the policy intervention of the IM. One of the problems identified is the different level of responsibilities between the Ministry of Labour and Social Security and the Ministry of Social Affairs. The IM was an independent body attached to the Ministry of Social Affairs. Within this ministry, the IM was responsible for the elaboration of all gender equality policies. However, whilst the Ministry of Social Affairs was responsible for the administration of certain social protection schemes, such as non-contributory pensions, social services, and assistential benefits, it had no power over the configuration of these benefits. This was a problem since, as one respondent argued, the ones that were supposed to have more knowledge on the functioning of the benefits did not have any budgetary or legislative power to change it (ML3).

In a similar way, one respondent also argued that the relation between the Ministry of Labour and Social Security and the IM was not balanced enough. The IM did not participate in the policy-making of labour and social security policies while on the contrary, the Ministry of Labour did have formal representation and participation in the policy-making of the equality plans (PIOMs). Although the IM was able to introduce gender policies in some of the labour and social policies,¹² the IM was absent in the early process of the policy agenda. For this reason, one respondent concluded that the IM

¹² The 'High Committee for Professional Training' (*Consejo Superior de la Formacion Profesional*) was created in 1986 with IM's formal representation.

would have been better placed as a body attached to the Ministry of Labour rather than to the Ministry of Social Affairs.

However, another interviewee did not share this view (IM2). Although the Ministry of Social Affairs was not as powerful as the Ministry of Labour, the IM was, according to her, much better off where it was. The two ministries of social affairs that were in power from 1988 until 1996 were staffed by women clearly identified with the feminist movement and who had very close relations with the IM directors. The good relationship was translated into a considerable increase of the IM budget. In fact, the IM had been growing constantly in terms of the amount of public expenditure it received. From 1988 to 1995 the budget tripled in nominal terms. This view suggests that within the Ministry of Labour, the IM would have been excluded and given no priority attention since its representatives had no declared feminist consciousness.

Another problem addressed by one respondent was that the Ministry of Social Affairs had too many remits.

“It wasn’t just the IM, the truth is that there also was a Youth Institute (INJUVE) and in each ministry some of us were specialised and we attended all the different councils. I was also attending the INJUVE. So, I ask myself: did it make sense to have a Youth board and a Women’s board? What was the role of the IM in the policy of the Youth Institute that belonged to the same Ministry? Maybe it played a less important role than the one played in labour policies. I think that the Ministry of Social Affairs had too many remits: women, juveniles, handicapped, elderly,...” (ML3).

This last issue refers in fact to a problem that lies at the heart of the institutionalisation processes of women’s issues. As Sapiro (1998) has accurately put it, the segregation of gender issues into specific institutions might end up in *ghettoising* the problems both from other related problems and from experts and leaders in other fields.

Nonetheless, one of the concluding points from the previous chapter was that the difficulties facing the integration of gender policies into mainstream policies were linked to the nature of the policy process and to the socio-economic environment where social and labour policies developed. In this context, the power of the feminist movement as a whole, whether institutionalised or not institutionalised could have been decisive in terms of influencing the policy process and the actors involved. As we shall see next, several

factors prevented the two most important women's advocacy groups from pursuing joint policy strategies and interventions.

Relationship between the women's advocacy institutions (IM and TUW)

In principle, the two bodies of women's policy machinery, the unions and the IM, had important reasons to search for common strategies of action. Firstly, respondents of the two bodies considered themselves as a kind of pressure group within their institutions, although lacking the power to intervene in the policy process. Secondly, both shared a common feminist background. These common factors could have favoured internal cohesion between them, which could have given them more chances to put pressure upon the inter-ministerial institutions in charge of the policy implementation.

However, the channels of communication between the IM and the women's sections of trade unions were not well formalised, which limited their possibilities of success in policy-making intervention. The main channel for that formal communication was the previously mentioned Advisory Council and as has also been said, the success of such a committee as a body fostering coalition building was limited.

At first, the Advisory Council was nothing more than a very limited consultative body where experts only were called from time to time to give their views on specific issues. IM's strategies were then the result of the work of a group of professional women and there was clearly limited access to other groups representing the feminist movement. From the second PIOM onwards (1993) the composition of the Advisory Council changed, representatives of women's associations and trade unions were substituted for the experts and it became more of a permanent consultative body.

Nevertheless, the Advisory Council never challenged the policies of the ministries nor did it have a real impact on the IM policies. The council never had a legislative dimension inside the IM and the work done by this committee could never go further than suggestions. This was obviously a reason for a kind of resentment between feminists outside the IM and the 'femocrats'. IM's directors recognised the committee's limited role as an obstacle to achieve their goals.

"There was a tension with the feminist movement. We had many discussions because the movement was asking for a council, such as the Youth Council.¹³ We did not create such council, and I think it was a mistake on my side, or that I didn't have time because it

¹³ The Youth Council, *Consejo de la Juventud* was an independent body with proportional representations

posed many difficulties. But it was a mistake because we should have constituted a committee, some kind of body with legal status” (IM1).

“We tried to create a council where the feminist movement and the private sector could have representation, but in the end it could not be done. I saw that it was necessary to introduce the private sector into the politics of the IM. We thought about it, we even made a draft of the council but at the end, we did not have time” (IM3).

One plausible explanation for the failed role of the Advisory Council in providing access to women of trade unions and other non-state groups, might be found in the general political context. Underneath their common feminist strategy, the different groups were divided along lines reflecting the general political divisions and confrontations. On the one hand, the large majority of the first two terms of the PSOE’s office did not require political consensus with other political parties, and this applied to all public bodies. IM’s officials had no pressure whatsoever to build formal dialogue across all political forces. Moreover, the absence of a conservative or liberal feminist tradition (see chapter 3) implied that women of the socialist party did not share a common basis with women of the larger opposition, the conservative party.

On the other hand, a division also existed within the left. The differences between the socialist and the communist parties also impregnated the relations between feminists of either side. This is what the official of CC.OO.’s Secretariat was arguing in connection to their relation with the representatives of the IM. The respondent pointed out that, although both bodies had a good relationship, it was highly conditioned by their different political ascription. According to her, women of PSOE were more reluctant to participate in a common project with them.

“They (IM) were more willing to have a more fluid relationship with the ‘socialist’ union UGT. We have always had more difficulties given that for a long time we have been labelled as the ‘communist’ union” (TUW2).

Also, the Women’s Department of the ‘socialist’ trade union (UGT) affirmed that although in fact the relationship with the IM was very good, there were periods of no communication given the general confrontation between the trade union UGT and the PSOE governments.

of all governmental and non-governmental groups dealing with youth issues.

“Institutional relations are always good. With the PSOE, when they were working on something they were asking, not always, there has been periods when the general relationship between the government and trade unions were bad and that impregnates all, but still they were asking us” (TUW1).

For IM representatives, the reason for the separation between the two main bodies for gender equality was the different field of performance. Each body targeted different groups of women. While the IM was dealing with women of all conditions, women’s departments of trade unions were logically focusing on working women.

“They had a worse situation than us. There was a kind of mutual comprehension, each one had its role, and the relationship is very conditioned by that role. What happens is that women in the trade unions were asking things to us that they were not able to obtain in their trade unions” (IM2).

The co-operation between the two women’s departments of trade unions have been less problematic, also due to the fact that UGT’s Women’s Department was created in 1990, a period of co-operation between the two trade unions. Both interviewees argued that they had a consensus on the most fundamental issues and that common proposals were presented before going into the negotiations with the government.

Despite the internal difficulties each body faces with regard to access within their own institutions and despite the obstacles for the two groups to work together, both bodies shared, in broad terms, the same views with regard the best way to accomplish gender equality. In what follows, attention will be paid to how the two elements of women’s policy machinery articulated a specific strategy towards gender equality by rejecting others. I will be referring to the ‘gender equity model’ developed by Fraser (1994). As explained in chapter 2, the author establishes three possible strategies: the care-giver parity, the universal-breadwinner and the universal-caregiver, to pursue gender equity.

The rejection of the ‘care-giver parity strategy’

The care-giver strategy, that is, the demand to place care work in the private sphere at a level with waged work, has never been a preference in Spain for any of the women’s advocacy groups nor for feminists in general. As was previously argued in the

study, family policies in democratic Spain have been determined by the historical legacy of dictatorship. These policies were considered a Francoist inheritance and so they had to be avoided. Franco's rhetoric about the virtues of the family was made in parallel to a complete denial of any liberating policies for women. This association of family policies with the expression of a conservative, catholic and anti-feminist ideology remained long after the end of the authoritarian regime. As Alberdi argued,¹⁴ although there was a radical change in the family model with the democratic transition, there never was any re-definition of family policy, not only from the government but also from the left and feminist groups. These groups never recomposed their approach and so the family remained as an unspeakable issue.

The rejection of family policies by feminism is clearly formulated by IM's respondents. Since its creation in 1983, the IM never considered the possibility of state support to the private female role of mother or carer because of the negative connotations of the family as an institution. Family policies were not seen as promoting the independence of women. As the following two quotes show, the interviewees shared similar views on this issue.

“We clearly stood for the incorporation of women into the labour market. And now looking backwards I see that we are probably responsible for creating more expectations than what we could actually provide. There are generations of women that were outside the labour market and still are. In the old times there was literature and mysticism about how important the role these women played was, now that does not exist but there is nothing in exchange” (IM2).

“For a long time the IM did not want to tackle the issue. I think that was a right choice because is very easy to mistake women's policies with family policies and if the family is placed as the visible object, you run the risk of hiding individualised policies for women. I thought that in my period, we were already in a situation where we could have considered family policies. But family policy has to be understood as a way to eliminate role differences between men and women so that both partners work outside and inside the house. If family policies are linked with women's responsibilities, then is better not to touch it” (IM3).

¹⁴ Conversation with the author in June 1999.

As argued in chapter 5, both women's policy organisations promoted and encouraged partial improvements in the pre-existent configuration of maternity benefits.¹⁵ The reforms did improve the conditions of the existent benefit but maternity and child bearing continued to be uncovered outside the labour market. Even within the labour market, the effectiveness was still conditioned by job stability. As one interviewee outlined, the first year of maternity leave is an option just for those women that have a permanent or durable employment since no one dares to take one year maternity leave with a precarious contract. Moreover, maternity leave is not adapted to real situations such as the need of professional promotion that is broken after one, two or three years of maternity leave (TUW1).

The commitment to the universal-breadwinner strategy.

The rejection of the 'care-giver parity' strategy has been correlated with a commitment to the 'universal-breadwinner' strategy, that is, to defend women's social rights through their access to the labour market. Although both women's advocacy institutions did not always work together, they shared similar goals. Their general aims have been to promote positive action programmes to eliminate sexual discrimination in the work place, to facilitate women's entrance into paid employment and to encourage legal changes.¹⁶

However, they were faced with a number of problems for the success of their policies. Firstly, although legal changes were achieved, this did not necessarily imply a change in reality in terms of women's access to employment. Secondly, labour market reforms were promoting women's access to paid employment though not with equal conditions with men. And thirdly, their strategy did not integrate the intervention in the social protection system.

¹⁵ The 3/1989 law on maternity allowance and maternity leave and the reform of 1994.

¹⁶ The first PIOM promoted within the National Plan for Professional Formation (FIP) programmes of positive action to fight against sexual discrimination in the work place. The programmes were developed under agreements between the Ministry of Labour and Social Security, the Ministry of Social Affairs, the Institute for Employment (INE) and the IM. IM also developed employment and occupational programme funded by the state and the European Union –through the European Social Fund-. During the second PIOM the Workers' Articles of Association were modified in its article 28. The concept of "equal job" was substituted for that other of "job of equal value" referring to equal salary. The reform was implemented in the 1994 reform. Women's bodies of trade unions introduced NOW projects developing positive actions within the enterprises, training courses in non-discriminatory practices for members and representatives of the unions in the enterprises.

With regard to the first point, one interviewee compared ‘legal modernisation’ with ‘ideological modernisation’ in the sense that progress in the legal sphere has been made but not put into action. The speed of legislative change is in this case greater than the speed of “mental” change, meaning that before the measures could be implemented, there would have to be a shift in social values first in order to recognise gender equality as an issue in society (IM3).

Another respondent recognised an advanced legislation but addressed different problems for its implementation:

“Spain is among the most advanced countries in terms of gender equality legislation in Europe. However its success is conditioned, first by the features of the Spanish labour market, and second, by the interpretation of the law. Many judges make a very restrictive interpretation of the laws. It is essential to articulate mechanisms for the fulfilment of the rules” (TUW2).

Considering labour market reforms,¹⁷ respondents argued that employment flexibility was the only possible way to facilitate women’s access into paid employment. The conditions of flexibility imposed by the reforms had the potential to lead to a dualism in the labour market structure in terms of gender, which was opposite to the goals of IM’s equal opportunities policy. However, there was no alternative but to accept it. One respondent argued that the reforms have to be seen not from the perspective of what could have been better, but of what could have been worse.

“We thought that without the flexibility women were not going to enter into the labour market. Now I think that maybe it could have been possible to make the labour market more flexible without diminishing social benefits, but at that moment the option was either women do not enter at all or they enter in not very good conditions” (IM2).

Likewise, another IM’s official argued that their position with regard the 1994 reform was ambiguous. They were defending the access of women to the labour market in equal conditions and they knew that the introduction of women in the labour market through part time employment was going to be an obstacle for that equality. However, they accepted the reform thinking that with high levels of unemployment they had to welcome the creation of new jobs, no matter what the conditions of the jobs were.

¹⁷ The 1994 reform boosted part time employment growth. However these part time short-term jobs were socially unprotected, maternity leave was excluded and there was no right to unemployment benefit afterwards.

“It is very difficult to go against a reform that is setting out the creation of jobs, even if they are flexible and part time jobs, especially when we knew that there are many women that still have family obligations. This might change on the long term, but the problem of the domestic work will not be solved until women enter the labour market. Therefore, we thought, the reform was bad on the long term but good in the short term, and that is why we accepted” (IM3).

Still, the obstacles to the success of women’s access to social rights through the labour market were also conditioned by another fundamental factor. The determination of women’s advocacy groups to provide women’s rights through paid work was not coupled with intervention in social policy and yet intervention in that sphere is essential to achieve any gender equity strategy.

Both groups focused on concrete issues to obtain partial improvements on social protection. One of the most important demands for women in trade unions has been the improvement of the Domestic Service Regime in terms of social protection rights.¹⁸ Also both bodies have called attention to the deficient treatment widow pensions receive in comparison to retirement and invalidity pensions. Efforts have been made to improve the generosity of these benefits.

Nevertheless, representatives of both women’s advocacy groups were aware of the fact that the demands and the partial improvements in the social protection of women signified modest progress since the global conception of the configuration of the benefits was not being challenged. The lines established by the different reforms, from the 1985 reform to the 1996 Agreement, which reinforced the contributory principles of the system and settled the grounds for the assistentialisation of the non-contributory benefits, were not being confronted. Maternity benefits remain as a benefit only available to women workers and the readjustment of widow pensions do not solve the issue of the individualisation of women’s rights. Furthermore, although both bodies tried to promote female employment in professional categories or sectors where they were underrepresented, there was substantial gender segregation in the labour market. In such conditions, the labour market could hardly serve as a mechanism for many women to access social protection.

¹⁸ According to the respondents, this regime accounts for a double discrimination since the majority of the members are women and a large percentage of them are immigrants.

So, why did women's advocacy groups not target social security? Why was there not any major questioning of the configuration of the social protection system? First of all, and as has been said earlier, they had major limitations given their difficulty to influence and to participate in the policy-making process. Besides this there were additional factors constraining their attitudes and actions towards social protection issues.

Looking first at the IM, its goals when it was first created and before the elaboration of the first PIOM in 1988, were to demand changes in all spheres of society given very evident sexual discriminations. From its creation in 1983, the first goal was "to make the photograph" (IM1), that is, to do a diagnosis of reality. This first period was characterised by immediate demands given very perceptible discriminations. It is evident that the historical legacy conditioned a great deal the activities of the IM at least during the first years. The IM was devoted to setting down the grounds for future actions. The creation of data sources to analyse discrimination, the training of professionals and technicians on the field, the development of strategies of action and procedures to act, were all tasks that needed to be settled down before any other more elaborated policy goal could be placed forward:

"We have to place ourselves in that historical moment to understand, because there wasn't anything, not even statistics to analyse discrimination"(IM1).

When the first PIOM was created, the IM was still working on those "structural issues". The director at the time argued that one of the important achievements of the plan was the attainment of an administrative culture around gender equality by constituting similar institutes at regional and local levels.¹⁹ The plan, according to the director was also important in terms of resolving very basic deficiencies, such as the creation all over the country of refuges for battered women, the creation of counselling services to report sexual discrimination and women's rights campaigns.²⁰ In general, the IM created awareness and publicity on women's rights issues.

"We worked inside the system on fundamental issues (...). Now looking backwards, and specially now that we are posing more structural objectives, I realise that we worked a lot

¹⁹ Similar bodies were created in all Autonomous Communities from 1988 to 1994 (IM 1994a). All these bodies have developed equality plans that consisted of adaptations to the PIOMs.

²⁰ In 1982 there was not any public institution offering support to victims of domestic violence. In 1991, 46 centres were created and in 1992 there were 81 across the country. These refuges were run by local councils and regional governments and sometimes with the participation of the voluntary sector (IM 1992). In relation to information and counseling centres, in 1992 there were a total of 129 centers, 11 of which were directly administrated by the IM. The most frequent services were legal advice, career service and social resources (IM 1992).

from inside to solve very basic deficiencies: the creation of a national network of refuges for battered women, the creation of information points for women, etc” (IM1).

Therefore the kind of tasks that the IM was doing before and during the first PIOM were related to the policy legacy after a period of non-democratic rule. They were dealing with things that aimed to prepare the grounds for future actions. They were therefore stronger on short-term objectives than in long term ones.

Moreover, respondents argued that the non-intervention in the field of social protection was to a certain extent compensated by the support they gave to other welfare policies. In a general level, the universalisation of rights such as health care and education were seen as a positive thing for women. As one respondent pointed out:

“The great bet of PSOE was education, that is the classic thinking of the social-democracy, education is where they place the future of a country. Is the bet for the future generations, and that applies to women’s generations as well. We have thought about ideas we had in the past, but all that is related with who we were, the age we had, the historical moment we lived in” (IM2).

They considered that a universal health system and the extension of the compulsory school for children were policies that would benefit women.

“Our other strong ideological belief, that has its importance within a global political concept, is that at least I believed that the universalisation of certain systems would benefit women. In this sense, the generalisation of the health system, the extension of compulsory education from three to six years old, or the creation of assistential policies such as programmes of home-based care service for the elderly, were all important steps. I now consider that those policies have been conceived from the idea of the male breadwinner family. They have followed the foundations of the classic welfare state, but in that moment all those policies were positive for us because it meant a confluence of interests in equal opportunities” (IM1).

Another respondent also argued:

“I agree that the model of social protection is not substantially modified but we have to know that we come from a very precarious situation and the general widening of the state, with all its deficiencies, always favour women, because we come from a worse past”. (IM2)

Similar opinions were given with regards the creation of non-contributory benefits in 1990. The director of the IM when the non-contributory pension law was passed argued that the non-contributory scheme was created knowing that it was going to affect mainly women. She agreed that the scheme was deficient in many senses but, again, she articulate the idea of ‘better little than nothing’:

“When non-contributory pensions were created it was well known that those benefits were mainly for women. But, where were we coming from? There was nothing before, and is very important to keep that in mind, because when you think about starting such a wide task, if you think what is the best way to do it, you never do it. Politics has this side of ‘non-satisfaction’. I think it is better to have a pension, even if it is a very low pension, than no pension at all. We knew that these pensions were for women, but we could not make great demands because the budget is always limited. If we talk about cash benefits, the problem is always an economic one, because the system has always limited possibilities. Everything has to be seen as incomplete steps” (IM3).

There are also other types of factors that help to explain why women’s policy machinery did not question the global conception of the social protection system and why they did not critically analyse social policy issues from a gender point of view. The technical character of social security issues makes it is fundamentally difficult to intervene.

IM officials did not have the degree of technical knowledge and experience required to understand and to propose alternative options to a given scheme of social protection.

“It is true that we did not question, what we would now define as the analysis of the impact, from a gender point of view, of the policies. I think we did not consider it theoretically and I even think that we did not have the required expertise in order to face that challenge. For instance, the majority of women that have been involved in gender equality issues were lawyers or sociologists but really we did not have experts in taxation, or in social security, (...) we knew little about social security and taxation. But if we consider the starting point it seems to me that the evaluation is extremely positive, in the sphere of legal changes and in the sphere of a culture of equality important things were achieved. It is true though that we did not get into the core of the policies. This is not an excuse, but I think that has to do with theoretical background of feminism and with the real power of state feminism or socialist feminism or however you want to call it” (IM 1).

Respondents from trade unions also pointed out that they had to face the same kind of technical problems. The lack of information and methodological tools was a fundamental obstacle in assessing the gender impact of social protection policies. In fact, one of the demands made since the creation of the departments was to incorporate gender as a variable within the statistical data in order to identify discrimination and inequality. Social security, as IM's directors also argued, is a field that requires very specific technical grasps. While it is relatively easy to "convince" the policy-makers of the unions about direct and evident discriminations, it is much harder to do so in the case of more indirect discriminations, since it implies a high degree of expertise in the field.

"I, as the representative of the women's department, attended the negotiation process of the Toledo Pact with the trade union representative (TU1). I realised that he had many contradictions with regard to women, there were many things we could not agree on, and so we tried to convince him, but the problem is that social security is something very technical. If the experts tell you that what you want is not possible to introduce, then you trust them" (TUW1).

Moreover, they also argued that their framework of action was very conditioned by the structure of the system.

"We have a contributory and professional social protection system, and although we can try to introduce measures to benefit women, we know that their performance is highly conditioned by the structure of the system" (TUW2).

There is also a considerable weight of every day problems in the tactics of the union, and as the interviewees recognised that is negative for gender issues, since to tackle the gender problem would require a questioning of the whole social protection conception. Another constraint that operates against integrating gender issues into the general demands of the trade unions is the unions' interest in keeping the economic sustainability of the system in the short-medium term.

"Many times the colleagues that negotiate these issues focus on that technical vision to make sure that the system does not break and many times specific women issues or women's necessities go to a second front" (TUW2).

A similar thing happened in the Toledo Pact.

"The first and absolute priority of the union was to guarantee a pension system by law, that was the first priority and that meant that anything else was secondary. Therefore, they

did not want to accept new concepts for discussion, they thought that was going to distort the first objective” (TUW1).

Towards the universal-caregiver strategy

By comparing the past demands of the two women’s advocacy groups, or the feminist movement in general, with their proposals for the future, the gendered division of labour between public and private spheres has become more pressing. Women’s advocacy organisations have moved from specific and concrete goals to wider structural demands. Social protection is now included within the strategy of challenging notions of work, power and family. The share of domestic responsibilities is now seen as a necessary step to achieve real equality.

The IM reconsidered the possibility of including family policies in IM’s strategy during the creation of the second PIOM. In contrast with the previous plan, the new programme explicitly recognised the need to tackle the problem of the unequal distribution of tasks within the domestic sphere.²¹

Women within trade unions have recently also paid more attention to the necessity of sharing domestic responsibilities. Parental leave is a good example. Respondents argued that parental leave has to be a compulsory right independent from the right of the mother.

“It is very important to work on a change of mentality in terms of share of family and domestic responsibilities, but moral calls do not produce changes, both levels are important” (TUW2).

Therefore, although women’s advocacy groups needed time to tackle the issue, they are now in a position where the matter can be brought up, given the development of the theoretical discourse of feminism and changes in social reality. As one respondent argued:

“We are now in another moment, important progress has been made from the theoretical point of view, and we now discuss a much more global discourse, a much more external

²¹ The objectives in this matter focused, among other issues, on the increase of public offer in full time nursery school for children under three 3 years of age. To combine school and labour schedules. To promote alternatives for the assistance of dependent family members (home care services, day care centres, etc.). To promote and incentive parental leave for the father as well as for the mother.

discourse, than the one we had before. We are now ready to challenge the very conceptions of work and power” (IM1).

Conclusions

This chapter has shown that there is combined effect of internal -organisational- and external -socio-political- factors that work both in favour and against the policy access of women’s advocacy groups. The long rule of a social-democrat party committed to gender equality, the inscription of trade unions as socialist and communist organisations and the stimulus from EU directives and legislation towards gender equality, have offered a positive institutional framework for the recognition, at a formal level, of women’s policy machinery. However, the success of these bodies in attaining equality policies has been substantially constrained by their lack of power and representation at the decision-making level. The organisational patterns of the institutions where these bodies work, the conflict of interests between women’s rights and other more consolidated social groups, and the specific circumstances surrounding labour and social policies have restrained the capacity for action of women’s advocacy groups. An important degree of policy legacy and the general political situation affected in a particular way the relationship between the two women’s bodies.

Feminists’ strategies for equality have concentrated on providing economic independence to women through the labour market. For historical reasons and the background of feminism, the possibility of raising caring and childbearing to an alternative citizenship status was rejected. However, if the focus has been the labour market and if the social protection system relies fundamentally in the labour market it might appear surprisingly enough that, although targeting intervention in the labour market structure, the principles of foundation of the social security in relation to the labour market were not being questioned from a gender point of view. The fundamental problem is that gender equality strategy was not co-ordinated with labour and social policy strategies. Parallel to the stated promotion of gender equality through the labour market, the labour market and social protection reforms undertaken were introducing new forms of gender inequality. The following chapter will provide further discussion in relation to the factors constraining or facilitating gender equality in social protection.

Chapter 7

Understandings of 'Solidarity'

Introduction

“Solidarity is a normative, rather than an analytical concept. Like concepts of freedom, justice, equality or democracy, it can be taken to have more than one meaning; like any of these concepts, it excites approval without necessarily specifying content too closely” (Spicker 1991: 18).

'Solidarity' is one of the words used extensively to explain and justify the functioning of the social security system in both written documents and interviews with representatives of the Ministry of Labour and trade unions. The concept clearly stands as a central legitimating criterion for social security performance. Following Spicker (1991), the aim will be to explore the different uses of the concept rather than attempting to conclude with the most accurate definition. The meaning of the word has suffered transformations over time and I will pay attention to the impact that all potential meanings might have on gender relations, distinguishing also between discourse and outcomes.

What is understood by *solidarity*? Who is benefiting from that solidarity? Who creates solidarity? Social protection systems are solidaristic to the extent that they protect the members of society who, for a number of different reasons, cannot protect themselves. Originally, these systems of protection were conceived to provide workers with an income replacement during periods of work interruption, either temporary (unemployment and sickness) or definitive in character (retirement and invalidity). In this sense, and as was introduced in chapter 1, democratic welfare regimes introduced the possibility of solidarity and equality in real terms of risk redistribution. While economic factors, the need of capitalist economies, and political factors, the legitimacy of the ruling political elite are basic elements in explaining the raise of solidaristic social protection systems, the complexity of mechanisms that lead to the evolution of these devices needs to be considered. Different welfare traditions vary greatly in their approach to and their understandings of what the social bases of solidarity are and whose interests are being defended.

Within the conservative-corporatist tradition, solidarity has originally been associated with horizontal income redistribution, mainly “generational solidarity”. This consists of income transfer between the working population and the population of pensioners guaranteed through a consolidated and generous public pensions system, the basic principle being that those that are payers first will most likely be receivers latter. By contrast, the liberal welfare tradition does not channel solidarity principles through the social protection system, redistribution is not a policy goal in itself (Mau 1999). There is no extensive status maintenance but a basic low pension level designed to protect poverty and social adversity. However, solidarity is comprehensively sustained through other welfare spheres, this is the case of the universalised National Health Service in the UK. Thus, redistribution takes place through taxation and not through employment contributions as in the previous case. The social-democrat welfare type sustains the solidarity principle within the social protection system through an embracing notion of citizenship rights where all members of the community are holders of rights and obligations. Solidarity is not limited to a concept of income redistribution between present and past generations of workers nor is it confined to extreme situations, but is guided by more universal principles.

Therefore, the definition of such a central concept in policy design is the result of complex socio-political processes. Depending on the factors that determine the origins of a given social protection system, some dimensions and meanings of solidarity will be privileged while others will be hidden. Far from being value-neutral, central concepts in social policy, such as solidarity, develop from a set of social constructions that reflect a concrete form of perceiving reality. Similar to the gender constructions that feminism has found in the notion of citizenship, I will argue that definitions of solidarity can rely on strong assumptions about ‘familialism’, which implies suppositions about gender roles and sexual divisions of labour. Depending on what notion of solidarity prevails, gender equality might be either encouraged or prevented. Familialism is then considered as a dimension of variation in social provision centred on the family and women’s unpaid work.

Class, generational and territorial understandings of solidarity

From the beginning of democracy, solidarity within the Spanish social protection system has been fundamentally expressed as compensating for unequal income situations

between the workers of economic sectors, and between generations of workers through state transfers. The pillars of the social protection system were built on the consolidation of a principal contributory scheme, with certain elements of redistribution (or solidarity) and with an assistential level of benefits on the margins of the system.

The previous discussions have revealed how the social protection system in Spain acted as a 'safety mechanism' to prevent social and economic conflicts during the early democratic years. The system 'offered' solidarity to workers of the industrial economic structure that helped to smooth the transition towards a post-industrial economy. In this way, the massive job losses in certain economic sectors caused by industrial rationalisation programmes were counterbalanced through early retirement, unemployment benefits and invalidity protection. As one interviewee held:

“The whole process of industrial rationalisation was done at the cost of social security, especially at the cost of an increase of ten, sometimes eleven times permanent incapacity subsidies, that is, invalidity pensions. This was a very strong bind for social security. It was a tribute that the democratic transition had with social security. The system acted as a 'protective cushion' many issues of social character did not explode because social security was holding them, but it was dealing with things that were not of its correspondence” (ML1).

The social security system also provided solidarity to workers that suffered the transition from a rural to an urban economy. To a large extent, this meant that social security played an additional role in the economic transformation of the country by balancing out the differences between the regions. One interviewee spoke about the necessity of preventing rural workers over 50 years of age and recently unemployed from migrating to urban areas.¹

“(…) We could have not walked out on the streets! We would have shot each other! It was socially necessary and convenient to socialise the global well being and to do so we needed to protect all those workers that after 30 years working lost their jobs. It was desirable to avoid the emigration to the cities of those rural workers, because there was enough unemployment in the cities already” (ML2).

Recently, trade unions also pointed out the need to avoid similar situations in the future:

¹ The agrarian regime (self-employed workers) had in 1976 20% of all contributory pensions and 17% in 1980. Moreover, in 1982 18% of invalidity benefits and 20% of retirement benefits belonged to this regime.

“Early retirement has been used in an abusive way to the extreme that, it is not exaggerated to argue that, the greatest cost of industrial rationalisation in the country was suffered first by the social security system and then by the affected workers (...). It would be fundamental to articulate mechanisms to stop this cost transfer to the social security system” (TUdoc10).

Within this framework, solidarity has been understood in what Spicker (1991) calls its collective dimension. According to the author, the concept of solidarity has an individual and a collective dimension. Although both dimensions can complement each other, they might serve different purposes. An individual vision of solidarity consists of the recognition of mutual responsibilities between a group of people (‘mutuality’), whilst a collective view gives less importance to reciprocal obligations and more to group cohesion (‘fraternity’). This collective view appears to have been important in the early reforms of social security where political actors agreed on solidaristic mechanisms as a means of preventing social conflict. Social cohesion was then a fundamental objective in this period of major readjustments.

In this sense, policies have proved to be very efficient since the general well being of society did ameliorate and democracy was consolidated. As described in chapter 3, poverty trends went down during the 1980s. The groups that at the beginning of the decade had the highest poverty rates, particularly elderly people and handicapped, improved their situation considerably to the extent that by the middle of the next decade they were no longer considered among the most vulnerable groups.²

Placing the emphasis on this collective notion of solidarity had two major interrelated consequences. Firstly, that other alternatives were rejected. The goal of social cohesion and stability was placed before the prerogative of individual rights. Issues such as women’s rights for independence and autonomy were to a certain extent set up in opposition to the objectives of the social protection system. By targeting social cohesion in such a way, the demands for independence of women are not tenable, since mechanisms to free them from unpaid work are not put forward.

² According to Ayala and Martínez (1999), during the 1980s, Spain, together with France and Italy, was the country that reduced more the poverty rate of people over 65 of age. According to the authors, this trend seems to be consolidated also in the 1990s.

Secondly, this notion of solidarity was founded on a specific social structure where the family acts as a primary welfare institution, and holds one of the keys to social stability. The notion of ‘fraternity’ is deeply rooted in a firmly gendered division between the public and the private spheres. Women have been excluded as part of the social contract and yet, such definition of collective solidarity depends on a social structure in which the family plays an important role. As one interviewee argued, thanks to ‘the family’ the whole social structure could develop towards a more stable society:

“In this country we have not killed each other because of the social structure we have. Here in the end, the wife takes care of the ill grandfather, the brother lends money to his sister to pay the mortgage of the house and this is not Sweden where people know very clearly that your money is yours and mine is mine and then we marry if you want. Over there, these things are much better established, in terms of individuality, rights are individualised and so are obligations. Fortunately, this is changing in Spain but it will take time. But you cannot imagine the advantages that this has brought. Do you think this country could have had stood an economy and an income distribution as the one we used to have without our social structure? It would have been impossible, everyone knows that there are many people that live off the grandpa’ pension, in other countries this would be impossible, because the grandpa would be on holidays in Málaga” (TU1).

The idea that has been put forward is that redistribution takes place between the members of the (extended) family and out of the reach of the state. The functioning of this informal network of solidarity had certainly compensated for the fragile and selective state intervention. Nonetheless, this was done at a high cost for women. Even within the group of elderly people, who were the clear objects of the policies, women were worse off (in terms of income distribution) than men. Women that lived alone and could not therefore profit from that informal form of redistribution within families had to live most likely on a widow pension or on an assistential benefit, much lower on average than a retirement pension (see chapter 4).

Thus, even though solidarity is a mechanism of inclusion, it can in turn also become a mechanism of exclusion. “It is in the nature of all forms of inclusion that they imply some kind of border. Those who fall outside the border are liable to be rejected” (Spicker 1991: 24). In this sense, solidaristic redistribution does not necessarily mean egalitarian redistribution because solidarity is supported in an unequal distribution of resources between men and women.

From the collective to the individual dimension of solidarity

The social security reform of 1985, widely investigated in previous chapters, maintained this structure of class, generational and territorial solidarity although it pushed forward its 'individual' dimension. The principle of maintenance was strengthened. This closer link between contributions and benefits creates a sort of interdependence between individuals based on a generalised reciprocity. On a contributory pension system founded on a 'Pay As You Go' basis, people contribute in the expectation that they will ultimately receive a return. However, women, either because they do not belong to the world of productive relations or because their membership is not 'strong' enough, might not be included as part of the relevant group that recognise a level of mutual interdependence. When there is a very clear gender segmentation in the labour market, as happens in Spain, the provisions of social rights through labour market participation is always problematic for women. Since the operating measures of the 1985 reform were limited to the professional and contributory level, the non-contributory or basic level became a simple subsidiary and exceptional level, remaining for very extreme cases with strict conditions of eligibility. The system still maintained minor forms of protection that in practice stand for a secondary route to citizenship rights.

Both Ministry of Labour representatives that were in office when the 1985 reform was put forward, focused on the positive aspects of the measures taken in the sense that it improved the efficiency and rationality of the system and ultimately also the solidarity of the system.³ Adaptation and improvement and not transformation seemed to be the driving force behind policy-making of this early period. According to the respondents, the principles of solidarity 'sounded right' but in practice they were ineffective and that is why the reforms were needed. The interviewees argued that new understandings of solidarity could not be introduced until the pre-existing ones worked effectively.

³ According to one respondent, the main objectives completed in the 1985 reform were: to achieve greater proportionality for contributory pensions. To eliminate improper use of the system. To establish an element of solidarity for the lowest pensions. To reduce the distance between average pensions and real salaries. And to eliminate the specific conditions of the special regimes (ML1).

The disincentives that discouraged the introduction of new policies were driven by earlier patterns of government activity, since previous interventions also shape notions held by administrators and politicians about what is viable.

Moreover, respondents constantly justified the reforms by arguing that they were partly directed to “catch up” with the rest of the European countries. However, as the next quote shows, the way towards European harmonisation is seen as rather unidirectional and one of the most urgent tasks:

“Our system has accumulated in all the aspects, around forty years of delay. Until the transition it was not possible to convert the different forms of protection, the special regimes and the creation of a unique administration for social security. It took time to incorporate all the institutions of social security. With the integration into the EU, there was a need to adapt many things because they were not adjusted to European legislation. The internal test to make all this suitable had to be done between 1984 and 1985. In the 1985 reform many issues were corrected and it was all practically put on a level with EU standards” (ML2).

The puzzle is that interviewees do not seem willing to recognise the wide variety that exists within EU standards. The model used as a reference, the continental type of welfare, greatly determined the steps taken to improve the system. The objective was to consolidate an insurance system based on the protection of labour market risks and with mechanisms that break the proportionality criteria between contributions and benefits for certain working conditions. But the conservative-Bismarkian model is used as a reference at the cost of not recognising different policy responses that different countries give to similar problems.

“All contributory systems have elements of solidarity. Within the contributory system there is inter-sectorial social security solidarity. We stand for the continental system, the German contributory system, and in this we agreed with the unions. A system of subsidies like the British or the Danish are very dangerous, because they are not based on a system of insurance and, thus, it depends to whether there is or there is not enough budget to finance it” (ML2).

As appears in the previous quote and in other sections (TU2, ML1, and Ministry of Labour and trade union documents) European welfare states tend to be divided between the two main liberal and conservative welfare models. Spain’s inclusion within the latter type explains its major traits. However, differences between the different

countries seem to be captured by one model and yet, as previously argued, solidarity adopts rather different forms in different countries. It is not just a question of spending more, as one of the interviewees suggested, it is also a question of how to spend and how to finance, and a wide range of options can be found even within the same 'regime-type'.

Behind this issue lies the attitude of public opinion towards certain forms of public provision. In one way or another interviewees referred to the absence of a civic consciousness present in all consolidated democracies that leads to a responsible use of public goods. After forty years of an authoritarian regime where public institutions were used to control and repress society, Spanish society was not seen as mature enough to adopt a different understanding of the role of public institutions. The legitimisation of the state, it has been argued, takes time to consolidate under a new democracy. Democratic values are entrenched within the social structure. This would explain, according to the interviewees, why the conditions of access to benefits had to be tightened up to avoid misuse of public resources and why non-labour market related benefits had to be so restricted.

"The civic culture that is needed to have a reliable and real welfare system was absent in Spain for many years. A long democratic experience generates a kind of education where people have been socialised in a perception of justice. However, in this country there was not any civic consciousness, democratic institutions, rights and obligations... that individual responsibility that is needed for a public system to work is also a result of the society where you live. If that does not exist then you have to have very strict laws because the fundamental principle is that if something can be corrupted, it will be corrupted" (ML2).

The interviewee attributed this lack of "consciousness" to Latin and Catholic countries and different from other parts of Europe.

"In the Latin countries the tendency is to think that the public belongs to no one. In Spain, no one has ever thought that morality has something to do with the correct performance of public institutions. In this situation, the only possibility to resolve it is with the law, to restrict it, to reduce the possibilities of fraud" (ML2).

One respondent also suggested that there was even a general expectation of fraud occurring when PSOE came into power:

"The system was considered to belong to no one, *this is not ours and therefore we have to steal from it*, and people were even proud to do such a thing. Moreover when we

(socialists) arrived to power, people thought that we did not know a thing and the expectations of fraud went even higher” (ML2).

In a different context, another interviewee also pointed out that social protection benefits that were detached from the labour market were not being demanded by Spanish society. According to him, the Secretariat of Social Security carried out a survey to determine the degree of support for non-contributory pensions and the result was that the majority of respondents were not convinced of the positive effects of these types of benefits (ML1).

However tenuous, the fact that the approach did not conflict with public opinion was a reassurance factor for policy-makers. As Kingdon (1995) asserts, social and political agents will not generally confront certain issues if they consider that public opinion in general does not consider them as problems that need immediate solution. In the first years of democracy, public opinion was also more concerned with questions of a more ‘general character’.

Trade unions shared an agreement in general terms as to the way the social security system was being configured. Placing the debate in terms of working class rights against the interest of the capital, their reports during the 1980s emphasised the need to maintain the social protection system as the principal instrument of redistribution, solidarity and social cohesion in society. The need for intergenerational and class solidarity was being emphasised and they defended the scheme of ‘compulsory solidarity’ as the central axis of the social security. Despite the fact that they did not intervene in the 1985 reform,⁴ they also had prior demands for the social protection system to resolve some of the problems inherited from the past.⁵ In broad terms, their demands followed the lines of the reforms undertaken by the administration.

⁴ In fact, the 1985 reform was one of the factors that provoked confrontation with the government and that ended in the general strike of 1988 (see chapter 5). However, the confrontation was more related with the fact that the government did not try to find consensus with the workers organisations, than with the actual contents of the reform.

⁵ In relation to social protection, trade unions alluded to the excessive number of special regimes and their inadequate financing, insufficient and inefficient state contribution, problem of fraud and the inefficient system of collection and inefficient and bureaucratised systems of management (TUdoc4, 5 and 6).

Changes in solidarity

During the 1990s, a debate on the future of the public pensions system started to take place among all implicated sectors. Once the socio-economic context changed, triggered by the globalisation of markets, the role of social security and the discourse on social protection needed to be revised. In relation to solidarity discourses, the meanings changed following general shifts in the political discourse and also a change of environment in labour relations between the government, employers' organisations and the unions. Solidarity is now used by trade unions in a broader sense though under the same principles. "Class solidarity" has progressively been replaced by "income solidarity". Moreover, old age, or the 'generational contract' is no longer the only concern when referring to social protection.

The wider understanding of solidarity motivated by a changing labour market structure allowed workers' organisations to have a more precise identification of how notions of solidarity affect different types of workers. The view of labour relations based on the opposition between the rights of working class and the interest of capital led to a more unified view of the social protection system. This change in the understanding of solidarity enabled them to articulate demands for solidarity for both those workers in need of protection and demands for 'justice' for those that pay more and, proportionally, receive less. The mechanisms of redistribution were meant to be one of the key elements of the debate.

In a climate of total consensus, the groups involved in the Toledo Pact, signed in 1995, not only trade unions and the government but also the majority of political parties in Parliament, agreed on the major issues that needed to be tackled for the consolidation of the social security system. The contents of this 'solidarity pact' have two different implications. Firstly, the financing of the system was the most important aspect behind the new wave of reforms of this period. Who should pay for solidarity, how and how much to spend on solidarity were key issues. I will argue that ultimately to reduce the debate on social security reform to the financial aspect hindered the possibility of broadening the discussion to issues addressing non-economic concerns. Secondly, the Toledo Pact was the starting point for the redefinition of benefits such as changes in contributory principles, retirement age, occupational regimes, or derived benefits, which evolved new meanings of solidarity. As we will see, such redefinition of benefits did not

take into account the implications of collective and individual dimensions of solidarity in terms of gender relations nor did it challenge assumptions on familialism.

The financing of the social security system was clearly the driving force behind this new wave of reforms. If in the previous decade the push came from the adaptation needs, this time the most pressing and energetic justification that administration and trade unions' representatives used to explain the new reforms was by denouncing the existence of two inter-linked threats: privatisation attempts and financing pressures.

In 1992, a process of discrediting the social security system started to grow from within the financial world and other groups interested in a capitalisation system. Private reports⁶ were published stressing the economic non-sustainability of the public pensions system and employers' organisations were using these arguments to push for privatisation. As a result, the efforts of trade unions and the socialist administration were concentrated in proving the system's economic sustainability. Unions' strategy and indeed the strategy of all the parts involved in the Toledo Pact, was constantly justified by arguing that there was strong pressure of a 'neo-liberal' sort to dismantle the public pensions system and to promote private methods of protection.

For the interviewees, and it is also reflected in their pre-reform documents, the dilemma was to choose between their own option of a public social security or the progressive privatisation of the system. As one interviewee argued:

“The argument at that moment (Toledo Pact) was whether it was possible to maintain the actual system of redistribution or we had to move towards a system of capitalisation. For the first time the conservatives (PP) in this country signed a document supporting a redistributive system. (...) We thought it was a wise political operation to stabilise the pensions system and to legitimise it before society, driving away one of the spectres of neo-liberalism that wants to see the end of a public social security system and introduce an alternative system of capitalisation” (TU2-1-).

As one trade union report noted, the 1996 Agreement that followed from the Toledo Pact was signed “with pressure from certain interested economic sectors to transform our public system into a private system based on a ‘non-solidarity’ principle” (TUdoc10). Concepts such as solidarity, social cohesion and justice are set up in opposition to liberalism, individualism and privatisation trends. One Ministry of Labour's official argued that the basic lines of the Toledo Pact were:

⁶ *Banco Bilbao-Vizcaya BBV and CEDA.*

“First to say no to a system of capitalisation, no to a minimum system of social security and no to leaving next generations without protection. It closed up the possibility of establishing a compulsory private scheme, which was our worry. The pact said yes to a reform, to an improvement of the system and to open up ways of solidarity. But to strengthen solidarity does not mean to oppose it to the reduction of the contributory character. Solidarity has to come from outside” (ML1).

One of the most straightforward consequences of this situation is that other alternatives in the configuration of the protection had to be put aside or ignored in favour of a purely financial debate. Within this, there is no room for discussions on the possibility of introducing more gender-sensible understandings of solidarity. As the next quote shows, the very notion of change is seen as a threat.

“The truth is that when someone speaks about seriously modifying the social security, there are reasons to be scared. What it traditionally means is an attempt to finish with the system, to say *this is not possible, we have to change the model and the only alternative is to go to a system of individual capitalisation*. I think we would have to make changes to adapt the system to the labour market and the new circumstances, etc. But one thing is to modify it, to improve it, or to reform it and a very different thing is to change it. Any type of reform has to carry the financing part with it otherwise you risk to reduce the future pensions” (ML1).

Moreover, by placing so much emphasis on guaranteeing the economic sustainability of the social protection system, ‘solidarity’ is being redefined by limiting its scope. The role of social protection as a social cohesion and integration factor is under threat. Administration and trade unions’ reports do describe the potential exclusion processes caused by the changing nature of work and the changing conditions of social and personal life. However, according to policy-makers these new risks and needs cannot be dealt within the social protection system. Social protection should be restricted to those that make contributions to the system. Only those that have paid into the system through contributions might be entitled to receive a benefit similar to the contribution’s levels. As we will see next, the idea behind the changes in entitlement rules promoted by the Toledo Pact was the redefinition of responsibilities. That is, what responsibility should the various actors, namely workers, families and the state, take, not just in welfare provision, but also in the financing of the protection. From here, the main agreement is that social security has to be fundamentally contributory, and the protection of people outside the

pure contributory system has to be seen a problem of social exclusion and poverty and thus being the state's responsibility to provide that protection. Given the fact that the state is still unable to provide sufficient security to large sectors of the population, the family continues to play a major role in welfare provision.

In this context, the notion of solidarity loses part of its meaning. The social protection system increasingly limits itself to distribute income among 'equal contributors' at different moments of their lifetime. However, exemptions are sustained. Certain redistributive mechanisms within the contributory system, such as minimum pensions policy and the privileged conditions of some occupational regimes created to protect traditionally male employment situations, have not been modified or eliminated. This might show that the purpose of the actors involved in policy-making is still to protect old corporatism and privileges, which have been consolidated over the decades. Pensioners and specific working categories, for instance rural workers in the South have on the one hand, great decision-making capacity in trade unions and, on the other hand, they have critical voting power, especially within left parties. In contrast, the needs of those groups, such as women, that have no direct representation in the policy process and whose interests are not so well articulated are largely left behind though formally acknowledged.

With regard to the redefinition of benefits, and as has been investigated in chapter 4, the main 'redefinition' was the strengthening of the contributory principles in the entitlement rules.⁷ One of the reports read: "it is necessary to reinforce the contributory character in a way that, although maintaining the solidarity principles, a greater effort of contribution could be offset by a greater benefit" (TUdoc10).

Moreover, the changes in the conditions of entitlement and generosity of benefits resolve what is a major concern for policy-makers, that is, the protection of high-income workers for the sake of the social security system. For example, two of the interviewees said that:

"The ceiling of the maximum pension cannot be too low because high earners would leave for a private scheme. Solidarity has to go along with justice, solidarity cannot create injustice, because that would be the end of solidarity, if you press too much, people leave" (TU1).

⁷ The increase in the number of years to calculate the amount of retirement pensions and the change in the percentage of reference wage for contribution records less than twenty five years.

The protection of the interests of those who are defined as the most 'reliable clientele' is the first concern:

"The first thing the government wanted to do in the 1996 Agreement was to freeze the maximum pension. We were totally against it because we think that the contributory system has to protect also high-income workers, if we do not protect them they go to a private scheme. We have to guarantee 10% of the GDP through social contributions and to make the contributory system to be majority in society, it can only be the principal system if we keep within it the workers that are better off" (TU2).

As part of the same reasoning, policy-makers, under the frame of the Toledo Pact and the 1996 Agreement, supported the development of private pension schemes as a complementary source of protection. The Agreement depicts the idea that the development of the complementary systems of social provision might be beneficial to guarantee the public system. Complementary schemes can permit that those groups in the maximum limit of contribution for a public pension find an income complement through the private pensions' scheme (TU2).

Another measure introduced under the same principle of protecting stable and high-income workers was the expansion in retirement age. The goal has been to discourage early retirement and encourage late retirement, benefiting the permanence in the social security of those affiliates. Again, although the measure might create additional obstacles for those seeking first employment, the priority is the protection of the 'legitimate beneficiaries'. The discouragement of early retirement parallel with the encouragement of late retirement, instead of introducing flexibility in access to and exit from the labour market, introduces an additional rigidity in the system.

The invisibility of a 'gender problem'

Chapter 4 revealed the extent to which the implementation of the changes in the entitlement rules negatively affects non-standard workers while privileging standard workers. Trade unions opposed the changes in contributory principles of the 1985 reform on the basis that the changes would leave out of the contributory scheme certain groups that were situated in a precarious or irregular situation in the labour market (TUdoc4). However, the changes introduced in the 1996 Agreement show a high degree of

continuism with the 1985 reform, going a step further in the strengthening of entitlement rules.

In relation to one of the changes introduced, the reduction in the percentage of the reference wage given to contribution records under twenty five years, one interviewee agreed that the change would damage the expectations of many women, since most of them tend to retire with shorter working careers. However, the categorisation of this group as 'not in need of protection' justified the introduction of the measures. The interviewee argued that when his department presented the proposal, the Women's Department expressed concern for the predictable reduction of women's pensions:

"They found out that workers with less than twenty five years of contribution were mainly women, and we were going to cut down their pensions considerably, and they were right. But then we looked at our data and found out that most women who had less than twenty five years of contribution, given their salaries, were going to have a minimum pension so the change was not going to affect them. Women that really lost money were those who were entering the labour market at the age of forty and with average salaries over 150.000 pesetas. They might be lots of women but that particular group is not in need of labour, they are not *working women*, they are teachers, nurses, professionals, that have stayed at home because it was more convenient and at forty they have decided they wanted to work. Normal workers do not enter the labour market so late and with 150.000 pesetas/month salary. We cannot protect them and women workers of the union realised we were right and they accepted it" (TU1).

This division of what constitutes a working or a non-working woman denies the work that women carry out at home. Someone entering into the labour market at the age of forty might have been devoted to caring duties, but since the activity is not recognised as a work that needs some compensation the only protection that has been offered is for those who are in situation of need.

The circumstances of women who do unpaid work are not identified as problems that should be dealt within the frame of collective social responsibilities. As outlined earlier, women's needs are not included in a framework of mutual reciprocity. As one agent from a women's department of trade unions put it, the concessions given to women in terms of social rights have been done from the point of view of protectionism, more than from the point of view of rights and obligations (TUW2). Indeed, individual incomes are already regulated through taxation and it is not the role of social security to decide who needs to work and who does not. The right to work is never made conditional upon

the subjective judgement of how necessary it is for the person to earn a living. In this sense, the logic applied to women's social protection appears to be a different one from the general principles that govern the right to work and the right to social protection. Moreover, the argument also shows the resistance, on the side of trade unions, to accepting the issue of gender equality outside the framework of working class struggle. The distinction between working class and non-working class women avoids placing the debate in terms of women's right as a group. Moreover, since women within the family play a fundamental role in filling in the gaps left by the lack of social provision, the emancipation of women from that role would threaten the actual structure of the welfare state.

The attention given to derived benefits, that is widow benefits, is another clear example of the unwillingness to recognise gender inequality patterns in the provision of social rights, a gendered sense of solidarity and the lack of recognition of non-waged private work persists. In this respect, one respondent from the trade unions argued:

"I think that widow pensions should not exist. Widow pensions should be cancelled and substituted by non-contributory pensions for those women that have not contributed to the system, those who have contributed should have their own pensions and those who have their own resources...nothing. But...I am not sure we can counter balance the power of women at home...they would say to their husbands: what is the need of contributing to the social security if you will die first and I am not going to receive anything?" (TU1).

To a certain extent, widow pensions are maintained as an extension of individual - male- retirement rights. The respondent also suggested that orphan benefits play the role of complementing single retirement rights:

"If widow pensions are suppressed then orphan pensions have to be increased, otherwise you create strong tensions. People that have contributed for ten, twenty or thirty years and all of a sudden they die, where does all that money go? Why should I give my money to someone that has never worked simply because she or he did not want to?" (TU1).

The work performed in the private sphere, such as child bearing or domestic work, is not valued as work and it is the family income, not the individual income, the one that is taken into account for the entitlement to the benefit. Women who have no contribution

record that would entitle them to a retirement pension and cannot be classified as having a “lack of resources” have no right to a benefit:

“(…) As a joke, when we talk here about women I always say, well, I have a wife that simply does not want to work, she is lazy and does not want to work. What she likes is the home and the children, then...why do we have to protect that woman? I protect those women that want to work but cannot, or those who do not have enough for living”. “(…) Of course is a joke, but what I mean with this is that we have to avoid situations of over-protection, inadequate protection for groups that do not need it” (TU1).

Since 1991, trade unions have been demanding changes and improvements in relation to the scope of widow benefits.⁸ The women’s unions bodies formulated the demands. However, although trade unions explicitly recognised the need of such changes, the measures have not been put forward in any of the agreements so far. As the last Agreement of 1996 read:

“From the evidence of the available statistics on pensions amounts and its evolution in the recent past, it can be affirmed that within the system deficiencies are maintained with regard to the degree of solidarity. This is particularly the case of widow and orphan benefits, which, according the criteria of the signatories, will have to be translated in certain normative changes”.

Notwithstanding, the changes “will be implemented gradually depending on the available funds of the system of social security” (MLdoc7). It is not, therefore, an immediate objective.

In relation to the general views that representatives of the administration and trade unions have on gender equality, the implicit assumption underlying their arguments was that gender inequality in social security is just a reflection of gender inequality in the labour market. Given the fact that the central axis of the system is articulated around professional principles, then gender segregation in the labour market is reproduced in the social protection system (ML2) (TU2). Following this, the idea that has been put forward is that in order to tackle the problem of gender inequality the focus has to be placed on the labour market. Female lower activity rates, lower salaries and lower qualifications are

⁸ One of the demands has been to increase the percentage of the reference wage to calculate the pension to 75% and to place the benefits on a level with the minimum wage. Another demand that has been put forward is the legal right of non-married couples (of the same or different sex) to have access to derived benefits (TUdoc9).

identified as the main factors explaining gender segregation in the labour market and subsequently in the social protection system.

This claimed gender neutrality in the establishment of policy rules contrasts with the different performance of men and women on social protection benefits. Gender is an essential variable in explaining access to benefits and yet it seems to be ignored in the design of the policies.

Given the fact that, according to the policy-makers, gender discrimination does not exist in the social protection system in itself, the specific circumstances of women are not considered per se but as part of circumstances of underprotection. As trade union representatives argued, female population is not targeted as a group in need of policies:

“When we design policies we think about situations of under-protection, independently of the group, we do not analyse gender, we analyse age and the family situation” (TU1).

All the new measures accentuate the dilemma between core-periphery or standard-non-standard employment. Changes in the labour market are being followed by a supporting realignment of the social protection system. Labour flexibility is associated with increased patterns of gender segregation, lower pay and less employment protection. The changes that have been described suggest that there have been movements away from collective notions of solidarity and movements towards individual dimensions. The groups that recognise a level of reciprocity between their members are narrowed down and the interchange refers only to the central mercantile sphere.

The patterns of responsibilities that this type of solidarity describes exclude groups of workers and citizens pushed to the boundaries of the labour market. In what follows attention will be paid to the articulation of solidarity in the margins of the system.

Solidarity on the social periphery

When non-contributory pensions were created in 1990 the main objective was to eliminate the most severe poverty. According to one of the architects of the law, these benefits were seen as necessary by technicians of the social security department.

“The 26/1990 law comes forth from the ones that were working in all this process and thought it was necessary to eliminate situations of poverty. Now poverty trends might be caused by the labour structure, but then, there were many people that did not contribute and had no right to any pension. We saw that it was necessary to create non-contributory

pensions. We thought that the creation of these benefits was essential because apart from the income, non-contributory pensions also give access to the health system and to social services. Those benefits were within social security, and outside social security there was very little” (ML1).

Therefore these benefits came as a policy response to a specific under-protection of certain groups, namely, elderly people with no resources and no access to other type of benefit, and not as a more universal and general form of benefit.

This type of solidarity in the ‘outskirts’ of the welfare state strongly relied on the family as a primary institution of welfare. As explained in chapter 4, entitlement to non-contributory benefits depends on the family income rather than of individual income. One respondent highlighted the implications that this familialism has for women:

“A woman might have never worked and have no income, but if she lives in a family where there is an income above the limit, that woman has no right to a pension. These pensions were created from the point of view of family assistance rather than individual assistance. They are complementary to social security pensions” (ML3).

The point was strengthened by another interviewee who argued that it was necessary to establish an income limit for non-contributory pensions in order to keep a certain form of income redistribution between families.⁹ Only those elderly that live by themselves or belong to a low-income household should be entitled to a non-contributory benefit (ML1).

The idea that solidarity has to come from within families is also reflected in the provisions of services in kind. One of the representatives from the Ministry of Labour pointed out that in the discussion about whether it was better for elderly people to live in residences or whether it was better to remain at home, the final decision was to support the latter. From 1991 onwards, the Ministry of Social Affairs supported the creation of daily care institutions where old people could spend the day and do activities but live with his or her family.

“There has been a policy to foster family care for old age on the whole because the administration has no resources to be in charge of it. The family has acted as a buffer for, it still does and I hope it will continue doing so” (ML3).

⁹ The income limit is more flexible if the pensioner lives with his or her family (see chapter 4).

What seems to be unacknowledged in the cases described is that in these circumstances *family* fundamentally means *women*. When solidarity is articulated in family terms, the bulk of informal care the state is placing in families is usually added to the domestic work that women carry out at home. In 1993, the Centre for Sociological Research carried out a survey on informal help to elderly people.¹⁰ The study proved that informal care was not just largely female but had also a very specific profile. The help was provided on a permanent basis and mainly to pensioners. However, the gender implication of public/private divisions of work is not clearly identified by respondents.

Current discussions on non-contributory forms of protection are still limited to the financing and not to shifting the fundamental criteria. The important limitations imposed in the contributory system are not encompassed with the widening of the protection provided by the non-contributory scheme. There has been no re-examination of the entitlement principles of non-contributory benefits. For example, the main concern of policy-makers in the 1996 Agreement, in relation to non-contributory benefits was to make the state fully responsible for the financing of these benefits (TUdoc8). As previously argued, a clear distinction must exist between those who receive a benefit they have been paying for through contributions during the working life and those who have not paid but *need* protection and who the state is financially responsible for.

“Why should we, the workers, pay the expenses of social exclusion problems? (...) If the state does not fund the non-contributory part of the system, we would have to lower the amounts of the pensions for those people that have contributed to the system. If that happens that would be the end of the public pension system because people would prefer to go to a private scheme” (TU1).

The separation of the sources of financing tackles in fact an old problem in the social protection system. Contributions of employers and employees have always been more responsible for the financing of the system than the state.¹¹ There is a need to make a clear division between benefits paid through employment contributions and benefits paid through state transfers. Moreover if state transfers are fully channelled through a non-contributory system, the access and quality of these benefits could improve because

¹⁰ Carers' profile: 83% were women, 87% of these women did not have formal education, 50% were housewives and 22% employed. With regards the dependant person, 92% were pensioners and the help that was given was permanent in 75% of the cases CIS (1993).

¹¹ In 1980, contributions from employment accounted for 89% of the financing of the social protection system while the state contributed in 9'5%. In 1990, the first form of financing was reduced to 72% while the state's contribution increased to 25%. In 1995, the relation between financing from employment and

more resources could be placed into it. However, all these issues are problematic. Firstly, the redistributive mechanisms within the contributory side are the main financial burden for the system and yet they remained unchanged. Secondly, the state's compromise to finance the whole non-contributory side of the social protection system has to go parallel with an increase of the state budget, which for a number of reasons is not going to happen.

Considering the first aspect, the report that was used as the reference for the Toledo Pact identified the threat to the economic sustainability of the system with three factors. Firstly, there is an increase in the number of pensioners; Secondly, the new contributory pensions have higher incomes produced by inflation readjustments and the 'substitution effect';¹² And thirdly, minimum pensions within the contributory pensions system are a great financial burden.¹³ The three factors are exclusively associated with the contributory side of the system and not with the 'solidaristic' one.¹⁴

Considering the second aspect, the very existence of minimum pensions in the contributory side hinders the improvement of non-contributory benefits. To level the quantities of non-contributory pensions and contributory minimum pensions would disincentive the contribution (ML1).

"There is no country in the world that has a guaranteed minimum contributory pension, in Spain we have it and that distorts everything. If we increase non-contributory pensions to the same amount as the minimum contributory pensions, people would be discouraged to work" (TU1).

However, as the respondent stated, there are other possibilities. A contributory system can still have a maximum and a minimum limit but without a minimum period of contribution requirement. The state would complement the pensions of those pensioners below the minimum limit, as one respondent argued:

"That is a possibility, but what does the government say? *To guarantee a minimum pension to everyone is not possible because there is not enough resources*, so they say, if

from the state was closer to EU standards (67'6% and 29'6% respectively). (Ministry of Labour 1999).

¹² The increase in expenditure due to the difference between the amounts of the pensions that go off the system and the amounts of the ones that enter. In 1997, new pensions were 39% more expensive than old pensions. This increase in the amounts of the new pensions accounts for 40% of the pensions' expenditure (Gomez 1999).

¹³ The minimum policy of the contributory side costs around 11% of all pensions spending and 43% of it is financed through state contributions (Gomez 1999).

you –trade unions- *are ready to extend the pensions' calculation period to the whole working life, then we discuss that measure.* What is the problem? The problem is that if you extend all the calculation period to the whole working life you cut down the pensions considerably, particularly the pensions of the more stable and long careers” (TU1).

It is not very difficult to guess that the workers that would be more affected by the measures would be those in key areas of trade union membership¹⁵ and given the obvious fact that trade unions defend the interests of their members such a proposal is not supported.

Interviewees of both unions claimed that there was no intention in the near future to modify the configuration of minimum contributory pensions, their only aim is to make the state financially responsible for the minimum complements of these benefits. Since minimum pensions will not be eliminated, the non-contributory scheme is condemned to remain at a minor subsidiary level.

Technical problems, such as the existence of a black market and informal economy outside the visible circuit of GDP are also put forward as additional difficulties in improving the scope of non-contributory benefits:

“If a universal form of protection is introduced in a society where 25% of the population has non-visible income, all these people would enter into social protection, and they would ruin it. This does not happen in Sweden where they say that the percentage is around 2 or 2.5% that means that all incomes are detectable” (ML2).

According to this view, establishing more generous non-income based benefits depends on the level of economic development, is just a question of having more resources.

“All countries have included more universal forms of protection, is a variable associated with the level of economic development. It is necessary to have rates of employment close to 100%. Northern countries for instance, have employment rates near 90% and in this cases, together with the fact that these are countries with higher income per capita, it is possible to universalise benefits. In Spain, like in Ireland or Italy we are still far away

¹⁴ The expenditure on contributory pensions is 58% of all economic resources of the system. With retirement pensions representing 68% of all expenditure on contributory pensions in 1997 (Gomez 1999: 497).

¹⁵ 33% of the total affiliation belong to the public sector and the federation of retired pensioners (similar composition in both unions) represents 10%.

from those indexes. All the countries have followed that feature, Germany, France, Belgium... and we follow it but many years later” (ML2).

Another respondent also spoke about the existence of an important degree of fraud in non-contributory pensions. In his view, local councils are not always accurate in determining the number of components of the family (TU2-2-). However, his colleague also present in the interview did not share the view, according to her, the fraud in non-contributory pensions, compared to the fraud of other pensions is not relevant (TU2-3-).

Moreover, the state’s compromise to finance the whole non-contributory side of the social protection system has to go parallel with an increase of the state budget.

Interviewees argued that the main obstacle to develop a more fiscal welfare state, was again the lack of public support. In this respect, interviewees agreed that there is room for improvement since Spain has a low fiscal pressure compared with the rest of Europe.¹⁶ In comparison with the rest of EU countries, some countries such as Germany or France have low percentages of direct taxation but instead they show high percentages of social contributions, other countries like the U.K. emphasise taxation more than direct transfers. In Spain the relation between the two main forms of financing are not compensated enough and thus perform worse than the rest of the EU members.

Nevertheless, interviewees do not see the approach of Spain to EU standards as happening through a development of fiscal welfare forms. Interviewees referred to a number of surveys that have shown the unpopularity of raising taxes. The general public do not seem to make the connection between an increase in taxes and a more generous welfare system. In 1995, the Centre for Sociological Research (CIS) carried out a survey on public opinion and fiscal policy. Only 17% of respondents believed that taxes were a mechanism to better distribute wealth in society. 68% were in disagreement with the idea that in order to have more and better public services and social benefits, taxes had to increase and 83% thought that in Spain people had to pay too many taxes.

¹⁶ According to Garde (1999), the global fiscal pressure (direct, indirect and social contributions) as percentage of GDP was, in Spain in 1996 8.6 points below EU average. In the case of direct tax as percentage of GDP Spain performs 4% below EU average (EU 39%; Spain 35%; Germany 31%; France 23%; U.K. 47%; Italy 39’6%; Portugal 31%). In relation to indirect tax as percentage of GDP, Spain is 2% below EU average (EU 31%; Spain 29%; Germany 28%; France 27%; U.K. 35%; Italy 26%; Portugal 43%). In relation to social contributions as percentage of GDP Spain performs 7% above EU average (EU 29%; Spain 36%; Germany 41%; France 43%; U.K. 17%; Italy 34%; Portugal 26%). Income Tax as percentage of GDP: 11’4% in the EU; 10’3% in the OECD; Spain 7’8%; Germany 9’4%; France 6.5%; U.K. 9’4%; Italy 11%.

Tax evasion was seen as a generalised phenomenon. 39% of respondents thought that there was “a lot” of tax evasion and 44% considered there was “quite a lot”. In 1997 the Institute of Fiscal Studies (IEF),¹⁷ carried out another study on the perception of citizens towards the welfare state that also concluded that the role of taxes was not, in general terms, very popular. Equality and solidarity was more directly linked with public expenditure than with tax payments. According to the report, the idea that public services and benefits justify the payment of taxes has evolved in a positive way over the last years. However, when the question is asked in relation to the degree of adequacy between tax payments and the services and benefits that are received, the majority of the population believed that the taxes paid are barely adequate or not adequate at all to maintain the public services and benefits available. The main reason given was again the bad administration and management of state resources.

However, I would argue that to rely on whether there is or there is not enough public support for the development of certain policies could be misleading. Policies are sometimes anticipatory of changes in the perception of social problems, and they are not always introduced as a reaction to a given social reality. Not all political initiatives are popular and yet some are introduced for the common interest of society. In this case the role of politicians or policy-makers is to find the reasons and arguments why a given policy should be accepted. Eventually, policies that are at first rejected can be implemented without a major cost in terms of public support.

So if non-contributory benefits remain as a minor protection scheme, what is the protection offered to those in the periphery of the labour market or even outside it. What is the policy response to flexible and unstable employment? The actual trends of the reforms seem to indicate that solidarity will progressively be identified as an assistential protection, as measures against poverty and exclusion.

However, here again there is a difference between discourse and the actual proposals that have been put forward. All trade union reports dedicate a great deal of attention to new exclusion forms and new protection needs. The space dedicated in all trade unions’ reports contrasts with the little measures proposed to tackle the problem. Both, UGT and CC.OO. documents have continuous reference to the new forms of poverty and exclusion generated in periods of economic crisis and affecting groups

¹⁷ *Ciudadanos, contribuyentes y Expertos: opiniones y actitudes fiscales de los Españoles en 1997.* (IEF 1998).

outside social security. Women are never mentioned as a group particularly affected by these new trends, they are supposedly included in the structural long-term unemployed and the 'new excluded' as a consequence of labour market flexibility. Explaining strategies of positive action, for instance, one report refers to the need to combat new forms of exclusion (single parent families, long term unemployed, young people with school failure, immigrants and refugees) as well as traditional forms of exclusion (homeless, drug addicts, prisoners, mentally ill people, etc. *(sic)* (TUdoc8). Of course, women are within all these categories but the abstraction in this case contrasts with the specific consideration that other groups receive. It also draws attention to the fact that certain episodes in life histories such as single-parenthood and poverty in old age are treated under the general (masculine) plural when in fact they are largely feminised circumstances.

Conclusions

This chapter has explored the barriers of the integration of gender within understandings of solidarity in the social protection system. The degree of policy legacy from the previous authoritarian regime has been an impediment to a policy change from a traditional conception of solidarity based on class and age to a more open conception where gender equality could be integrated. The system of social protection designed under a framework of industrial relations was adapted and not transformed and thus there was little room for the introduction of policies more sensible to gender equality issues. Moreover, the instrumental role of social security in a period of major economic transformations also mortgaged the capacity of the social security to adopt a leading role in putting into practice ideological concerns.

Collective solidarity was given prominence since the main objective that social security targeted during the 1980s was social cohesion. Policies directed towards the fulfilment of individual rights were not as important as policies directed to bring stability to the country, starting from a societal organisation founded in the family institution. Nevertheless, protecting the rights of a specific profile of workers also preserved the individual dimension of solidarity. The redistributive character has been articulated through inter-generational solidarity (since today's pensions are paid with the contributions of today's workers); solidarity between different income levels (the maximum and minimum limits for pensions create an internal redistribution) and between

different sectors of workers (occupational regimes); and finally, inter-territorial solidarity (without a centralised pension system, the different productive, economic and demographic regional realities would have an effect on pension distribution).

The whole framework of action was seen as successful in the sense that some of the most important social conflicts and problems, such as old age poverty or rural and industrial unemployment were attenuated. However, the social context started to change at the beginning of the 1990s and yet the introduction of gender equality issues into the social security continued to be blocked. The new wave of reforms were driven by a purely economic debate. Instead of having a more complex discussion about alternatives to the configuration of the outline of the protection, the dilemma appeared to be in form of a dichotomous choice, either yes or no (to a public pension system). As Felipe González attested in the interview, it is only the issue of economic sustainability that receives attention and not that other problem of social sustainability.

“They say that the Toledo Pact was signed because of a problem of sustainability. We have believed that the problem of social security was an issue of real and economic sustainability. Real in the sense that a system is or is not sustainable on time and economic because the trouble is how to find the resources to finance it. But (...) the problem of sustainability of a social security system is not so much, or not only, an economic problem but also a social issue”.

The idea put forward by the former Prime Minister was that the reassurance of a protection system that privileges standard workers against non-standard workers will be a potential source of social conflict and inequality given new labour market trends and demands for equality of many groups in society. The resistance to the de-commodification of at least some spheres of social protection appears as a fundamental restriction for the access of women into the core realms of solidarity.

Chapter 8

Conclusions

Further Reflections on Welfare and Gender Regimes

Aims and methods

My approach to this field of research started from the theoretical and empirical supported claim that gender stands as an analytical category in conceptualising welfare states and that, conversely, the welfare state, as an institution, is an active force in the structuring of gender relations. My first research question attempted to investigate to what extent, and in which way, the Spanish social protection system affected men and women, trying to distinguish differential patterns in access to social rights. My second research question referred to the importance of political factors in shaping policy structures and outcomes. Specifically, the investigation focused on the access to policy-making of women's advocacy institutions, defined as their capacity to intervene directly, or indirectly, by influencing the actors involved in the process. Finally, I was concerned with how gender equality issues are targeted as an objective in the policy process.

The decision to integrate aspects concerning policy outcomes and structures in this investigation carries a number of inherent advantages and disadvantages. To be sure, what can often be counted as a disadvantage in one respect might be an advantage in another. The determination to choose one approach and, subsequently, reject others can only be justified by the purpose of the study.

Starting with the advantages, analysis of each research question has been moderated for the sake of the broader picture. This decision was partly determined by the fact that Spain has not been subject of comprehensive attention from scholars in the field. Thus, there is a lack of familiarity with regard to how the system of social protection and the welfare state in general work. Given the absence of Spain from most comparative investigation, background information was essential. Moreover, placing the welfare state in its historical context has often permitted me to probe present trends and arrive at a greater understanding of issues.

I explicitly argued in the introduction to this study for the importance of the political aspect for an understanding of the gender dimension of policies. While studies of

social policy have historically not given significant attention to the issue of political agency, contemporary studies have underlined its significance, not only to understand why and how policy structures are configured the way they are, but also to explain how processes of change are articulated.

Finally, an important advantage of the research design has been its capacity to explore the “absences”: for gender is often a ‘hidden dimension’ of social protection. The examination of the understandings of words, which ostensibly are gender neutral, such as ‘solidarity’, was a prerequisite in order to come to grasps with the trace of a gender dimension. Furthermore, the information obtained from the interviews with the actors directly implicated in social policy and with those dealing with gender policy, proved to be of the most relevance in explaining policy outcomes and structures.

Considering the disadvantages, there is an evident problem of scope. All issues could have been covered in greater depth by treating each research question separately. Moreover, in relation to the first research question, my ability to consider the impact of different social protection schemes on gender relations has necessarily been confined to secondary statistical data analyses. In some cases, the absence of gender as an analytical variable impeded discovering what the precise outcome of certain policies would have been.

The internal heterogeneity between gender categories was an additional issue that, although addressed in some of the chapters, could not be pursued in greater depth in the empirical analysis. Further research on gender and social protection would require gathering primary data to find out the impact of central variables, such as education, income, labour market or household position on men’s and women’s access to social provision.

The interaction between different levels of government is another important research perspective that was beyond the scope of this investigation. Although social protection in Spain is determined at central level, certain powers have been transferred to the autonomous regions, such as, for instance, the administration of assistential benefits. Decentralisation is an ongoing process and its relevance in policy formation and implementation cannot be underestimated. Future research would have to take into account how the different ‘home nations’ and regions develop autonomous social policies and how policy-making at that level is determined by national and European legislation. Also, efforts on data standardisation will have to be made to allow for comparison among the Autonomous Communities.

There are other outstanding tasks beyond the remit of this thesis. An interesting question that could, with profit, be explored further would be the way in which gender equality is understood and recognised as a relevant concern in society, since social actors' attitudes usually mirror views and beliefs in society. An additional relevant question would be how gender equality is perceived in labour relations. Although the way in which the state legislates social and labour policy already mediates employers' behaviour, public policy concern on gender equality might sometimes fall on deaf ears if it is not accompanied by receptive attitudes on the part of entrepreneurs. Moreover, the question of what is that employers win or lose by following a gender equality strategy, needs to be addressed. If gender equality is a public benefit and concern, then attention has to be paid to the extent to which different social groups have to bear the costs of such equality.

The utility of theoretical perspectives

One of the strengths of feminist theory has been its ability to contest well-established and undisputed foundations of concepts. Although, as described in chapter 2 there are various theoretical approaches, feminism as a theoretical and social movement has developed by articulating questions that go to the heart of established ways of thinking. While traditional theoretical debates engaged in the problematic relationship between central concepts of citizenship, -i.e. equality, freedom, solidarity-, feminism has questioned the general consensus about such notions. The principle of 'radical doubt' (Giddens 1991) has been a fundamental axiom in the articulation of feminist theory.

In this study, the theorising of the public/private divide has been the starting point for the analysis of the gender dimension analysis of social protection. The idea has been to disentangle values relating to social citizenship within social policy that, albeit being considered as neutral, determine gendered policy outcomes and structures. The public/private divide and the connection between the state, the family and the market are crucial components in understanding the implications of identified and non-identified needs and risks for men and women.

The investigation also addressed the concept of political equality. Political participation and political discourse have been outlined throughout the thesis as dimensions of gender and its relationship with the welfare state. In this sense, the literature on policy-making and equal opportunities policy has been very helpful for the empirical research of the policy process, the single most important lesson being that this

process is not free from power dynamics: conflict of interests, ideological beliefs and perceptions of problems shape policy structures. Moreover, it has also been acknowledged that there are different stages in policy-making. The mere existence of equal opportunities policies, for instance, does not guarantee the integration of gender equality in major policy concerns. Equality might be recognised at the stage of agenda setting but this goal might still not be implemented afterwards.

Critical findings

The findings of chapter 4, together with the background provided by chapter 3, have given clear evidence of the first research question, which attempted to distinguish stratification patterns in men and women's access to social protection. Summarising the research results, the way in which gender stratification in the social protection system is sustained carries a number of important consequences. These are:

1. The dualistic character of the protection offered.

Firstly, there is unequal access according to gender labour market stratification. Accordingly, the principle of social insurance based on labour market participation and the weight of cash transfers create a differentiated gender pattern of access. The generous protection to the core sector of the labour force contrasts with the very weak subsidisation of those situated in the periphery. Women have had increasing difficulties in accessing direct contributory benefits, for which access is strict but which afford a high level of generosity. Over the years, there has been increased selectivity in qualifying for these benefits. Income maintenance regulation coupled with labour market flexibility and high unemployment rates -especially high for women- create polarisation of social protection. The complementary non-contributory scheme is not strong enough significantly to alleviate the poor circumstances of those not covered by the main protection system.

Secondly, women are negatively affected by the existence of 'clientelism', the social protection system preserves a critical patronage role in protecting specific groups of workers. There are separate insurance programmes for occupational categories, often with widely differing regulations concerning contributions and benefits. Moreover, there are redistributive mechanisms that, although providing an easier route to social protection for many women, have not been designed to compensate specifically female working patterns. The initial retirement pension and the minimum pensions' policy are two

measures of redistribution that given women's more poorly remunerated jobs and shorter careers, provide them with enhanced access to social protection. However, it has been argued that in some cases, the redistribution impact of these mechanisms has diminished over the years. Furthermore, some of these redistributive mechanisms have been transformed from their original configuration, which aimed to protect certain categories of weak, though stable, workers to a sort of safety net of social assistance within a purely occupational scheme. This sort of organisation keeps a considerable degree of complexity and multiplicity in the protection provided, since benefits which are partly state funded remain in the contributory side.

2. The importance of the family.

The family plays a crucial though specific role in the organisation of welfare. Social protection arrangements assume an indispensable role of the family as a principal institution of redistribution. Chapter 4 has shown that there are a number of schemes - mainly minimum contributory pensions, widow benefits, and non-contributory benefits - that provide an easier route for many people, mostly women, to access the social protection system though they often receive below subsistence protection. The importance of the family is twofold: firstly, some of these 'minor' benefits rely on the family to establish entitlement, reinforcing dependency and providing a secondary route to citizenship. Secondly, these mechanisms form part of a more complex strategy where individuals and families organise their everyday life. The state partially contributes to these informal arrangements that take place among family members. It offers protection knowing that the income people receive from their marginal benefits is more likely to be added to other, either individual or familial, incomes. It has been argued that given the poor quality of certain benefits, such as minimum or widow pensions, the system might be encouraging or tolerating women's work in the non-regulated sector. Under certain circumstances, this work is not regarded as an independent way of making a living, but rather, as a complement to other sources of income.

At the same time, and paradoxically, since the beginning of the modern welfare state, the family has not been considered as the unit for considerable parts of social provision. The family is a site of 'informal' more than 'formal' welfare. This is evidenced in the narrow scope of maternity and family benefits. Spain, for example, is among the most generous European countries concerning maternity leave. However, maternity is protected only as a labour market risk and family protection exists only as a prevention of

poverty. This marginal existence of monetary transactions for childcare or family responsibilities is not compensated through either availability of social services or through tax deductions. Tax regulation, which is mostly individualised, is in marked contrast to social security cash benefits. As regards fiscal welfare, the state, although it used to, does not significantly encourage, through taxation, a preferred family type. Since 1989, separate taxation is usually a better option than joint taxation. Moreover, although there are tax exemptions for families, these are rather insufficient in compensating for the costs of dependants. Again, it is very difficult to identify the ideology that sustains the whole of the welfare apparatus. Different logics, introduced at different times, coexist and sometimes contradict each other.

3. The state, family and market linkage

As a consequence of the two factors previously discussed, the social protection system cannot offer 'defamilialism', that is, a guarantee of women's rights outside family dependencies. Women's independence is still outstanding. Firstly, because they are excluded from the privileged 'core' group of protected workers. Direct benefits are the only social security benefits that can provide generous and sufficient protection, though women have important restrictions to access. Their 'inclusion' in social security is often based on a 'dependency', such as is the case of widow benefits, or on an individual basis but given the right to generally low benefits. Secondly, because they are forced to fulfil a caring role in the (extended) family that is substantially unrecognised, they are impede in seeking full time employment.

Positive and negative factors for the promotion of gender equality

The second research question was devoted to finding out how the potential factors in policy formulation and implementation might explain gender inequality patterns in the social protection system. Following the framework provided in chapter 5, the investigation identified a number of elements positively influencing formal recognition of gender equality as a relevant political concept. There were, however, other factors constraining the practical promotion of gender issues in social protection. Chronologically ordered, the specific relevant circumstances were:

1. Policy legacy

The political transition from dictatorship to democracy affected the political agenda in more than one way. To begin with, the change from dictatorship to democracy was led by a process of reform and not by a political breakdown. Thus, there was not a strong de-legitimisation of the institutions created under the previous regime. There was also an important degree of institutional deficit left by the Francoist administration. Admittedly, the institutional framework for social protection had already been created. The reforms undertaken during the late 1970s and most of the 1980s had as a central objective, the system's improvement in terms of rationality, efficiency and management, given serious structural deficiencies. However, how accessibility conditions and entitlement rules in social security affected women was not a major concern at any stage of the policy-making of the early democratic period. Moreover, the transition to democracy developed under a severe economic crisis, which also affected the contents of the political agenda. Reforms pursued short-term objectives, and long term goals, such as the configuration of social provision, were postponed.

2. Patterns of neo-corporatism

The political framework in which democracy developed in Spain determined the opportunities for women's policy intervention and the introduction of gender issues into the agenda.

The constellation of power relations that resulted in the consolidation of democracy reinforced the exclusion from policy-making of those actors not representing labour relations. One of the first goals during the democratic transition was to transform the previous Francoist corporatist structures. Through a process of 'political learning', social actors agreed on the necessity to build new institutional structures for political dialogue. The opinions of the parties, unions and employers' organisations were vital in the decision-making processes. The women's movement, which was consolidated as a social movement in the decade prior to democracy, working together with leftist organisations for political rights lost opportunities to influence directly policy-making in the framework of new power relations.

This male-focused consensual neo-corporatism also affected the introduction of gender issues in the political agenda. Women's rights and family issues were sharp points of discrepancy between left and right and they were abandoned for the sake of 'political harmony'. The approved Constitution in 1978 did not ultimately incorporate demands that

were originally present in the left parties' agenda. Thus, the introduction of gender issues in the demands of the legitimised actors 'suffered' in the bargaining dynamics between the actors.

3. Instrumental role of social security

The social protection system played a critical part in containing potential destabilising forces caused by economic crises and restructuring processes. Since the beginning of democracy, what has been called the 'solidarity principle' was built through the social protection system, by redistributing income between different generations of workers and different types of workers. To prevent social conflicts in periods of economic transformation, the social security system has acted in many occasions as a kind of 'safety net' to compensate for job losses and wage constraints. The fact that the social protection system provided concessions to wage controls in a context of reactive policy-making and economic crisis had an impact on the introduction of policies dealing with gender inequality. Linked to the neo-corporatist patterns described earlier, social protection was consolidated as one of the preserves of labour relations in a post-industrial context where these were being redefined and trade unions lost mobilisation capacity.

4. The political interest of gender equality

From 1982 onwards, gender equality became a legitimated political objective. The commitment of the government with traditional social-democrat ideals, and a change of policy style, less reactive and more anticipatory, were good incentives for the introduction of 'new policies' such as gender policies. Policy intervention is not exclusively a response to existing problems, it is also motivated by the emergence of new spheres of action. The commitment was materialised in the creation of the Women's Rights Institute -IM-, which, through equal opportunities programmes, attempted to create the institutional framework for policy action in gender issues. Moreover, during the 1980s there was a considerable increase in women's participation in formal politics. Also, the broadening of certain welfare rights, such as health care and education contributed to improve the social conditions of women fostering the 'two biographies of women', meaning the increasingly divergent experiences and expectations of younger and older generations.

5. 'Europeanisation'

The repercussions of EU legislation on national policy were twofold. On the one hand, European directives and programmes on equal opportunities for men and women were a crucial impulse for the assimilation of gender equality as a political concern and for the very legitimisation of women's policy machinery. The Women's Rights Institute's equal opportunities programmes and the legal reforms pushed forward by the women's advocacy groups were following European guidelines on that matter. On the other hand, and moving in the opposite direction, EU convergence's criteria was also motivating cuts in spending through restricting the access to social security, and fostering flexibility in the labour market reforms. Both had a negative impact on women's access, in equal conditions with men, to employment and ultimately to social protection.

All the factors described affected in a particular way the two issues that were covered in depth in the last two chapters: policy access of women's advocacy groups and understandings of solidarity in the social protection system.

Equality of treatment versus equality of outcome

The women's advocacy institutions under study, the Women's Rights Institute -IM- as the governmental structure and bodies responsible for gender issues inside trade unions (Women's Secretariat of CC.OO. and the Women's Department of UGT) presented different degrees of policy access. Both bodies have obtained formal recognition inside their organisations. The rest of the social partners did not object to their promote role in creating awareness of the 'gender problem', revealing issues and outlining solutions. However, there was a general lack of power and mechanisms to guarantee the implementation of their proposals. 'Mainstreaming', defined as the principle of integration of gender issues and women's demands in the global action of the administration and trade unions, was not successfully accomplished in any of the two bodies under study.

To begin with women's bodies in trade unions, a number of restrictions limited their chances to intervene and to integrate their demands in trade unions' strategies. What could be considered as the most straightforward explanation, low female membership rates, cannot, in fact, count as an explanatory factor for two main reasons. On the one hand, female union density increased considerably over the period under study. As a

consequence of labour market shifts, new employment sectors with larger female representation gained more strength in the economic structure and in trade unions' configuration. On the other hand, trade unions' membership does not explain their institutional power. In 1985, a new law conceded more importance to electoral representation than to membership. It was argued in chapter 6 that this trade unions' legitimacy through the election system determined the representation's chances of groups, such as women, that have not explicitly belonged to traditional corporatist arrangements where policy-making develops.

Other elements, such as cultural and organisational structures and conflict of interests in power relations were identified as main impediments for women's successful intervention. The functioning of collective agreements was given as the best example. Collective agreements were identified as paradoxical with regard women's interests, since they can, indeed, work towards equal opportunities policies but also, gender equality issues put forward through legislation can be eroded in practice. Collective agreement is a gendered process in itself, and there is, first, a problem of 'invisibility', in the sense that gender patterns of stratification are not usually recognised, and second, there is also a problem of opposite demands, other issues are prioritised in the bargaining process. Women's bodies' intervention in all policy stages was seen as a necessary condition to move from equality of treatment to equality of outcome. That is, to move beyond procedural equality to also obtain substantive equality.

The tension that exists between women's advocacy groups representing the interest of a specific social group, and their attachment to the workers' organisations was identified as a specific problem that affects women inside trade unions. While their association to workers' organisations gives them a greater representation power than other non-institutional feminist groups, that same condition acts as an obstacle to their capacity to create strategies of confrontation. The evident conflict of interest cannot be too openly declared.

With regard the Women's Rights Institute, its capacity to intervene in mainstream policies was constrained by a number of factors. The institute worked as a kind of lobby within the central administration, this trait was both its strength and its weakness. While the feminist background of IM's officials influenced the contents of IM's policies, this independence from party politics was at the same time a problem in terms of its impact within government politics. Although there were several channels for policy co-operation between gender policies and the rest of social and labour policies, these mainstreaming

strategies were not effective enough. The mechanisms to create horizontal co-operation between the different governmental bodies were positive in helping to create awareness of gender issues. Nonetheless, there were no concrete implementation procedures and efficiency was in the end subject to the political disposition of policy-makers. Additional problems for IM's policy intervention were related to the administrative and political level of the body, the IM being an independent body attached to the Ministry of Social Affairs, which had limited power over policies' design. Moreover, the division of this ministry in different departments according to social groups was seen as an obstacle for mainstreaming. The research identified evidence of segregation that could produce the *ghettoisation* of gender issues, both from related problems and from experts in other fields.

Furthermore, the relationship between the women's advocacy institutions was riddled with difficulties. The channels of communication between the IM and the women's bodies of trade unions were not formalised enough, which limited their chances to influence policy-making. Beyond their common feminist background, the different groups were divided along lines reflecting general political divisions.

Concerning their strategy for gender equality, women's advocacy groups committed themselves to the 'universal-breadwinner' strategy, whereby women's rights are promoted through the labour market. The care-giver strategy, which places private care work on equal terms with waged work and demands equal treatment in terms of citizenship rights, was never seen as an option for women's advocacy groups. Given the conservative manipulation of the institution of the family by the Francoist regime, feminists did not want to associate their claims with previous anti-feminist strategies.

However, I have argued that the 'universal-breadwinner' gender policy approach and labour and social protection policies were moving in opposite directions. Women's access to employment was featured by flexibility and by the lack of social protection, and, at the same time, access to social protection was being restricted. Two main problems identified: on the one hand, women's bodies did not integrate their intervention in the social protection sphere; and, on the other hand, and conversely, the social actors intervening in labour and social protection policy-making did not prioritise women's equal access to social rights. Considering the first aspect, women's advocacy groups focused on legal changes but this, although necessary was not sufficient to attain gender equality, since advanced legislation could conceivably coexist with discriminatory practices. Moreover, the global conception of the social protection system was not

challenged. The 'technical' character of social security was part of the explanation. The degree of technical knowledge and experience required to elaborate policy proposals was a fundamental obstacle to assessing the gender impact of social protection policies. Their framework of action was also conditioned by the structure of the system in the sense that the occupational character of social protection already imposes limitations for a gender equality approach.

Considering the second aspect, the actors intervening in the policy process did not consider women as a group in need of specific policies. As previously argued, women were excluded from the group of 'legitimate beneficiaries' of the social protection system. Furthermore, issues such as women's rights were set up in opposition to objectives of the social protection system. This last aspect was explored through meanings of solidarity.

Solidarity and invisible 'familialistic' assumptions

The concept of 'solidarity' has been identified as a central legitimating criterion for social security performance and has been used in this research to evaluate how gender issues were conceptualised by the actors intervening in policy-making. Originally, the social protection system focused on the collective dimension of solidarity, which attempted to achieve social cohesion. This notion of solidarity was founded on a specific social structure where the family acted as a primary welfare institution. Informal networks of solidarity operated within the family structure compensating, to a large extent, for the fragile and selective state intervention. Progressively, a more individualistic conception of solidarity was introduced although women, either because they were outside the sphere of productive relations or because their membership was not strong enough were still being excluded from the relevant group that recognised a level of mutual interdependence. The fundamental problem identified with elaborated notions of solidarity was the unwillingness of the actors involved in policy-making to recognise gender inequality patterns in social rights' provision and the importance of non-waged private work that women carry out at home.

Later changes in the 'solidarity' dimension of the social protection system, motivated by the economic sustainability of the system, did not take into account the implications of collective and individual dimensions of solidarity in terms of gender relations nor did it challenge assumptions on familialism.

Welfare and Gender Regimes

For the purpose of this investigation, mainstream analyses of welfare regimes were lacking in two main aspects. Firstly, mainstream welfare typologies could not provide a framework for the analysis of gender and welfare state relationship. These typologies have always privileged the market-state nexus. By so doing, only the class divisions have been placed at the centre, leaving outside other social divisions such as the gender one. As has been pointed out in chapter 2, a new theoretical focus that would outline the implications of a systematic gender difference in terms of access to social rights based on the public/private division was needed. Gender models or 'gender policy regimes' are analytical attempts to discover the interaction of public and private spheres in the organisation of welfare and the awareness of the role of women as providers of welfare.

Secondly, mainstream studies of welfare regimes have generally failed to include the countries of southern Europe into the analysis. However, it has been pointed out all the way through this research that the countries of southern Europe share common traits to the extent that it is possible to consider them as a fourth and distinctive regime-type, with reference to the work of Esping-Andersen (1990). Thus, although Spain has convergent and remaining divergent components with the rest of the European welfare states, it has been argued that the 'Mediterranean model' might go aside the conservative, liberal, and social-democrat regime-types.

Placing these two issues together, the common and specific features of welfare state formation have different repercussions on gender relations and this brings new insights into the relationship between systems of welfare and gender. To develop the analysis further, I present the next table whereby the 'southern model' is placed alongside the 'mainstream models' using gender as the fundamental dimension of variation. The table supports the idea, introduced at the beginning of the study, that by including new countries such as Spain in the study of gender models of social policy, new interactions of the public and private spheres in the organisation of welfare arise, giving new insights into policy intervention.

Table 8.1 Four Gender Policy Regimes

Regime Attributes	<i>Male Breadwinner or General Family Support</i>	<i>Separate Gender Roles or Market Oriented</i>	<i>Individual Earner-Carer or Dual Earner</i>	<i>'Gathering breadcrumbs'</i>
Welfare Regime	Corporatist/Statist	Liberal	Social-democrat	Mediterranean
Ideology	Division of labour Husband = earner Wife = carer	Strict division of labour Husband = earner Wife = carer	Shared tasks Father = earner-carer Mother = earner-carer	Blurred division of labour Father = earner Mother = carer and small earner
Entitlement	Unequal among spouses	Differentiated by gender role	Equal	Unequal among spouses and among workers
Basis of Entitlement	Principle of maintenance	Family responsibilities	Citizenship or residence	Principle of maintenance/principle of need
Recipient of Benefits	Head of household Supplements dependants	Men as family providers Women as caregivers	Individual	Individual
Taxation	Joint Taxation Deduction dependants	Joint Taxation Deduction dependants	Separate taxation Equal tax relief	Individual Minor deductions
Employment policies	Priority to men	Priority to men	Aimed at both sexes	Dualistic
Sphere of Care	Primarily private	Primarily private	Strong state involvement	Childcare primarily private Elderly care public Unpaid
Caring Work	Paid	Paid component to caregivers in the home	Paid component to caregivers in and outside the home	Unpaid
Political Tendency	Confessional/conservative-centrist	Conservative-centrist	Left	Corporatist-left

Source: Author's elaboration from Sainsbury (1999); Korpi (1999); Trifiletti (1999) and this research's findings.

Welfare states in southern Europe have common grounds with the 'male breadwinner model' of the conservative tradition. The insurance systems are based on the protection of labour market risks and therefore, the ideology and entitlement attributes support a sexual division of labour whereby there is a main (male) income provider and a dependant family. However, welfare states in the south early developed features of specific nature.

The notion of ‘gathering of breadcrumbs’ addressed by Trifiletti (1999) and used here to label the Mediterranean gender model seems to me a perfect description of what happens in the south. The idea is that within one family unit, individuals gather minor sources of income from either some type of benefits or from the ‘different’ economies, i.e. formal and informal economies, which, although neither alone can provide a decent living, are of some value if combined with other incomes. For that reason, the welfare state is not based on the principle of a strict sexual division of labour (table 8.1) but rather a nebulous one, whereby, although there is a main (male) income provider, women contribute partially to the family income besides their role as full-time carers.

This entire income gathering happens behind close doors. The family plays a crucial role although ‘in the shadow’ and informally, since no real recognition is given through any explicit family programme. This is clearly evidenced in the cases of the recipient of benefits and taxation (table 8.1) which, as in the case of the individual-earner-carer model have an individual basis. Equally, care work is not paid, and so the state does not promote through concrete policies, the role of women as carers. Therefore, the state acknowledges and implicitly allows these informal arrangements but it does not take on the responsibility of guaranteeing a family wage. There has always been an unspoken understanding of the fact that individuals that claim certain benefits might ‘hide’ other sources of income and that the public administration has almost no control over it. As Trifiletti argues:

“Social risks *for the individual* against which complex welfare regimes normally mobilise resources, are, in Mediterranean countries, coverable and in most cases covered in the first instance by the family and often by the extended family” (1999: 51).

The social protection system, does, however, give generous protection to a very specific social core group, and this is what creates the dualistic character of the protection offered. According to Ferrera (1996), and as this investigation has shown, dualism and polarisation is a feature that distinguishes welfare states of southern Europe:

“This dualistic system of income maintenance tends to generate a peculiar polarisation within the social clientele of the southern welfare states. On the one hand we find in these countries a group of hyper-protected beneficiaries who are (or have been) included in the citadels of *garantismo* with job security. These groups receive generous replacement benefits for short-term risks and very high earnings related pensions when they retire. On the other hand, we find large numbers of under-protected workers and citizens who only

(occasionally) draw meagre benefits and may thus find themselves in conditions of severe hardship: typically irregular workers in weak sectors without job security” (1996a: 20).

The ‘instrumental role of social security’ and the ‘patterns of neo-corporatism’ that have been previously described are largely responsible for this dual character. Moreover, this feature of welfare state performance needs to be closely related with a similar modernisation path in southern Europe. As Ferrera argues (1996b) the expansion of welfare benefits has played a notorious role in smoothing the transition from authoritarianism to democracy and in consolidating the electoral roots of the new parties. The political tendency (table 8.1) is then a combination of corporatism and left forces inside and outside the political arena.

In Spain and in the other countries of southern Europe, this corporatist organisation of the social protection was, for a period of time, effective in reducing poverty in absolute terms although not so effective in providing women with the means for economic independence. The social protection system played a major role in social cohesion, since, in one way or another, the majority of individuals were socially integrated. Since the beginning of the 1990s, the dual conception of the social protection has intensified. Labour market flexibility has deepened the distance between the central, traditional male labour force, and peripheral workers, women and young people with precarious work conditions. Also, partly as a result of the new expectations of independence of women produced by access to universal rights, the traditional image of the extended and protective family has been blurred both as a symbol of identity and as an effective informal institution of welfare. Previous uniform and reliable family structures are being substituted by a number of ‘unreliable’ and heterogeneous forms in terms of its members, its functions and its role over time. Social protection systems are also challenged by population’s ageing, globalisation processes and the increased mobility of capital and labour, which impose a threat to previous understandings of the relationship between the market and the state.

One relevant question that has been posed in this investigation is the extent to which recent social protection reforms in Spain have taken into account new needs and risks. Another relevant issue for our analysis was to identify problems and advantages that the ‘southern welfare model’ faces in moving towards more gender-oriented social protection programmes. To face the challenges described the social protection systems

should introduce changes to guarantee the economic and social sustainability of the systems. According to EU reports (1997; 1998; 1999) the financing structures of social protection systems should be reformed to allow for efficient reductions of non-wage labour costs. Also, there has to be a reduction of the dependency ratio (the balance between the active and the non-active population). There is meant to be a debate on redefinition of responsibilities between those who pay and those who receive welfare. The dilemma is how to combine reduction in public expenditure with the promotion of social cohesion or to put in another way, how to avoid exclusion when selectivity in the provision of welfare increases. The financial aspects are most likely to impose changes in eligibility and entitlement criteria that will have an impact on the rights and obligations identified. The solution that has been proposed is to make benefit systems more employment oriented to become an integral part of an active employment policy and to allow individuals to get into or go back to work. On the other hand, the new gender balance fundamentally requires new arrangements for reconciling working and family life and new initiatives to strengthen the individualisation of rights. The reconciling of working and family life is essential to fulfil women's entrance into the labour market in equal conditions with men. This reconciling of working and family life would require the availability of public services for child and elderly care and the consideration, in entitlement rules, of periods outside the labour market due to caring activities. Furthermore, the individualisation of rights is the only possible way to answer to the changing patterns of family arrangements and women's demand for independence. With increasing percentages of family breakdowns *familialised* benefits are both discriminatory and inefficient. Individualisation of rights would aim to stop the practice of considering personal ties when ensuring social protection of individuals.

However, it has been pointed out that while social security reforms during the 1990s in Spain were basically concerned with the financing structure to guarantee the economic sustainability of the social security system, not much attention was paid to the configuration of the benefits to include the new risks and needs. As described in several chapters, this resulted in the strengthening of previous patterns of inequality between men and women in the access and generosity of the benefits and ultimately created new trends of social exclusion. The 1996 Agreement, legally transformed into the 1997 law, modified the conditions of entitlement of the contributory pensions system to narrow the link between pensions level and total contributions made during working life. This concentration on the contributory side of the pension system makes sense in a moment

when employment-friendly social protection systems are a priority. However, given very evident patterns of gender labour market segregation and the lack of reinforcement of the non-contributory system, the reform resulted in a general reduction of the 'solidarity' component, being women the most negatively affected. Other alternatives in the configuration of the protection have been pretty much left aside and ignored in favour of a pure financial debate. Given the fact that the state is still unable to provide sufficient security to large sectors of the population, the family continues to play a major role in welfare provision. Moreover given the lack of measures aimed at reconciling working and family life and the individualisation of rights, the perspective of a more gender-oriented social protection system is not placed in the most immediate horizon.

Appendices

Appendix 1

Consideration on Methods

Interviews' material

All the interviewees were chosen by identifying their key positions on a given period. Interviewees were contacted by letter, with a brief explanation of my research topic and the issues I wanted to raise in the interviews, so interviewees had a rough idea of what kind of information I wanted from them.

The interviews were conducted in two waves. The first one, in February 1999 condensed the interviews with the former Prime Minister of Spain from 1982 to 1996; to IM's directors; representatives of women's unions bodies (TUW); and trade unions' representatives (TU). The second wave of interviews was carried out in May 1999, to representatives of the Ministry of Labour.

The interviews were semi-structured and were not pre-coded. They usually lasted from one to two hours. The issues and questions raised in the interviews varied according to the flow of the conversation. Although all the interviews were done with a topic guide schedule, new questions and arguments were introduced following the particular approach of the interviewee. In all of them there was interaction between the interviewer and the interviewee. Moreover, I raised other interviewees' views on a particular issue to confront the opinions of the different respondents. What Melia (1997) asserts for informal interviewing can also be applied here:

“The data can be seen as an account of the interviewee's opinions and views, arrived at as a result of the interaction with the researcher. The effect of this interaction cannot be denied whether on the pragmatic ground that the interviewee's talk is produced by the interviewer's questions or on the theoretical ground that symbolic interactionism rests on the assumption of the intersubjective construction of social reality” (Melia 1997:34).

However, the existence of this interaction should not invalidate the data. Even if we recognise that the information might have been given not just as the interviewees'

experience but as a representation given the context of the interview, such information is considered as valid testimony. Otherwise, as happens in much qualitative research, we are tempted “to abandon the enterprise on the grounds that it is impossible to determine the status of the data”(Melia 1997: 30).

Interviews' sample

Instituto de la Mujer (IM)¹

IM1 Director of the IM from July 1988 to April 1991
Date: 19th of February 1999

IM2 Director of the IM from 1991 to 1993
Date: 12th of February 1999

IM3 Director of the IM from 1993 to 1996
Date: 19th of February 1999

Women's Policy Machinery of Trade Unions (TUW)

TUW1² Director of the Women's department UGT since 1993
Date: 18th of February 1999

TUW3 First director of the Women's Secretary CC.OO. from 1976 to 1978
From 1987 member of *Forum Política Feminista*
Date: 19th of February 1999

TUW2 Director of the Women's Secretariat of CC.OO. since 1978
Date: 11th of February 1999

Trade Unions (TU)

TU1 Head of the Institutional Relations Department of UGT since 1990
From 1984 to 1990 he has been upper-level civil servant.
Date: 18th of February 1999

TU2³ Head of the Institutional Relations Department CC.OO

¹ The first director, from 1983 to 1988 could not be reached, however, the three representatives interviewed were active members since 1983 and they have given their opinions on that first period.

² The first director of the Women's Department could not be reached. TUW3 has been in charge of the department since 1995 but has been an official of the body since its creation.

³ The interview was appointed with the Head of the Institutional Relations dep. of CC.OO. He preferred to

TU2-2- Assistant of the Institutional Relations Department
TU2-3- Assistant of the Institutional Relations Department.
Date: 17th of February 1999

Ministry of Labour (ML)

ML1 *Secretario de Estado de la Seguridad Social* from 1982 to 1996
Date: 5th of May 1999

ML2 Technical General Secretary Ministry of Labour and Social Security
(*Secretario General Técnico*) from 1982 to 1985; (*Secretario General de Empleo y Relaciones Laborales*) from 1985 to 1991.
Date: 4th of May 1999

ML3 General Director of Employment (*Director General de Empleo*) from 1982 to 1985; Ministry of Social Affairs Official (*Subsecretario de Asuntos Sociales*) and Member of the Advisory Council of the IM from 1985 to 1993.
Date: 4th of May 1999

FG Prime Minister of Spain 1982- 1996
Date: 10th of February

Topic guide for the interviews

Instituto de la Mujer (IM):

- Creation of the IM
- Goals of the IM. Policies targeted.
- Social Policy Reforms (1985 Reform; 1990 Non-Contributory Pensions: Toledo Pact; 1996 Agreement)
- Labour market reforms (1992, 1994)
- Positive and negative aspects of the reform in terms of gender
- Family policies; childcare services; maternity leave
- Equality Programmes (PIOMs)
- Influence of EU Equality Programmes
- Evaluation of the I and II PIOM concerning social security legislation and labour market regulation
- IM's administrative level and political power
- Intervention in the policy-making: mechanisms to intervene. The Advisory Council.
- Relationship with the government
- Relationship with the women's bodies of trade unions.
- Relationship with the feminist movement

have his two assistants in the interview and the three interacted simultaneously as the interview went along.

Women's Department of UGT and Women's Secretariat of CC.OO (TUW)

- Social policy reforms (1985 reform; 1990 Non-contributory pensions; Toledo Pact; 1996 agreement)
- Positive and negative aspects of the reform in terms of gender
- Labour market reforms (1992, 1994): flexibility versus security.
- Family policies; childcare facilities; maternity leave
- Equality programmes; equal opportunities policy; positive action
- EU equality programmes
- Intervention in policy-making (bargaining processes, institutional representation)
- Role of women's departments within the organisational structure of trade unions
- Staff, power resources, administrative level and budget of women's department.
- Female representation in directives and responsibility positions
- Relationship with the IM
- Role in the configuration and further evaluation of the I and II PIOM.
- Role in the IM's Advisory Council
- Participation of trade unions women's department in IM actions.
- Relationship with the feminist movement

Institutional Relations Departments UGT-CC.OO. (TU)

- Social policy reforms (1985 reform; 1990 Non-contributory pensions; Toledo pact; 1996 agreement). Minimum pensions; direct and derived benefits; redistributive mechanisms; financing; configuration of benefits; occupational regimes
- Labour market reforms (1992, 1994)
- Organisational aspects: membership composition; elections; representation
- Collective bargaining and equal opportunities policy
- Relationship with the government; social agreements
- Relationship with Women's Department Trade Unions

Ministry of Labour and Social Security (ML)

- Social policy reforms (1985 reform; 1990 Non-contributory pensions; Toledo pact; 1996 agreement) Minimum pensions; direct and derived benefits; redistributive mechanisms; financing; configuration of benefits; occupational regimes
- Labour market reforms (1992, 1994)
- Family policies
- Equality programmes
- Relationship with the IM
- Channels of communication and co-ordination between the ML and the IM
- Role in the Advisory Council
- Degree of achievement of equal opportunity policies in the Ministry of Social Affairs.

Units of analysis

All interviews have been fully transcribed and analysed manually. Once the analysis and the coding was finalised for each interview, they were grouped into the four main categories of social actors: IM, TUW, TU, and ML. The interview with the ex-primer minister has been analysed separately given the general contents of the interview and has been utilised solely for contextual information. Each group of interviews was then analysed by topics, each topic relating to an indicator of the research question and to a group of codes. In order to submit the transcript to textual analysis, I started with a set of pre-existing codes to find regularities in the data and also to assign units of meaning to fragments of data. This first set of codes was deductively created from the research questions and indicators derived from the theoretical background, being prior, therefore, to the fieldwork. Codes are, thus, descriptive. But, although the starting point is the theoretical background, it is also true that new ideas, new concepts, and new relationships appeared while doing the fieldwork and also afterwards while doing the analysis. Therefore, there is a starting point of building theory but there are also elements of grounded theory from which new dimensions (codes) emerged, inductively derived from the study of the gathered material. Both sides stand in reciprocal relationships.

The elaboration of a second set of codes, less descriptive and more interpretative, was accomplished through the use of memos. Therefore, to a certain extent, the coding procedure has followed what Lincoln and Guba (1985) explained in their study cycle, “coding as a process of revision”: 1. *Filling in* (adding codes as new insights emerge) 2. *Extension* (returning to materials coded earlier and interrogating them in a new way) 3. *Bridging* (seeing new or previously not understood relationships) 4. *Surfacing* (identifying new categories) (Lincoln and Guba 1985 quoted in Miles and Huberman 1994: 62). Codes were normally applied to aggregate units: sentences and paragraphs depending on the meaning of each fragment of text. There was, frequently, more than one code for the same block of data.

However, not every piece of work has been coded. Since the interviews were conducted in a semi-structured fashion, interviewees were encouraged to give opinions and speak freely about the issues. In many cases there were references to current

situations and parallel issues that enriched the interviews, but that were strictly outside the present purpose. I have considered this information not relevant to the object of study and so they have not been part of the coding process, the selection relying on my interpretation. Reducing and ordering materials always represents compromise on selection and interpretation and it might be subjected to criticism. However the options I adopted were guided by the indicators and dimensions I was looking for given the approach lying behind of the research and the sort of features being searched. Notwithstanding, interviews were fully transcribed to have access to the primary data prior analysis and interpretation

Documentary material

Instituto de la Mujer (IM)

I PIOM 1988-1990 (Equal opportunities programme)	IMdoc1
II PIOM 1993-1995	IMdoc2

Trade Unions (TU and TUW)

Comisiones Obreras (CC.OO):

1 st Congress, 1978	TUdoc1
2 nd Congress, 1981	TUdoc3
3 rd Congress, 1984	TUdoc5
4 th Congress, 1988	TUdoc7
5 th Congress, 1991	TUdoc9
6 th Congress, 1995	TUdoc11
Social Security in Spain. Social Benefits and Financing <i>(La Seguridad Social en España. Prestaciones Sociales y financiación)</i> , 1994	TUdoc13

First Conference CC.OO: a trade union for men and women <i>(1^a Conferencia Comisiones Obreras, un espacio sindical para hombres y mujeres)</i> , 1993	TUdoc12
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Unión General de Trabajadores (UGT):

33 th Congress, 1983	TUdoc2
34 th Congress, 1986	TUdoc4
35 th Congress, 1990	TUdoc6
36 th Congress, 1994	TUdoc8

Proposal for the future of Social Security in Spain (<i>Propuesta de Progreso para la Seguridad Social en España</i>), 1996	TUdoc10
The Participation of Women in Spanish Trade Unions (<i>La Participación de las mujeres en los sindicatos en España</i>), 1995	TUdoc14
<u>Ministry of Labour and Social Security</u>	
Socio-economic study of the Social Security System (<i>Estudio-Economico Financiero del sistema de Seguridad Social 1964-1985</i>), 1985	Mldoc1
The Consultative paper 'the Orange Book' (<i>El Libro Naranja</i>), 1985	Mldoc2
Urgent measures for the Rationalisation of Social Security (<i>Medidas Urgentes para la Racionalización de la Estructura y de la Acción Protectora de la Seguridad Social</i>), 1985	Mldoc3
Non-contributory pension law (<i>Ley de Pensiones No-Contributivas</i>), 1990	Mldoc4
Spain in the Threshold of the 21 st Century (<i>España en el Umbral del siglo XXI, Estudio Económico-Actuarial</i>), 1995	Mldoc5
The Toledo Pact (<i>Pacto de Toledo</i>), 1995	Mldoc6
Agreement on Rationalisation and Consolidation of the Public Pensions System (<i>Acuerdo sobre Racionalización y Consolidación del Sistema Público de Pensiones</i>), 1996	Mldoc7

Appendix 2

Tables Chapter 4

Table A.1: Current expenditure on social protection in relation to GDP at market prices¹

	1980	1985	1990	1994	1995
EU	24.3	26.0	25.2	28.6	28.4
Belgium	28.0	29.3	26.9	27.0	29.7
Denmark	28.7	27.8	29.8	33.7	34.3
Germany	28.8	28.4	26.9	30.8	31.3
Greece	9.7	15.4	16.1	16.0	21.2
Spain	18.1	19.9	20.7	23.6	22.6
France	25.4	28.8	27.6	30.5	30.6
Ireland	20.6	23.6	19.4	21.1	19.9
Italy	19.4	22.6	23.6	25.3	24.6
Luxemburg	26.5	23.1	22.5	24.9	25.3
Scandin.	30.1	31.7	32.2	32.3	32.1
Portugal	12.8	14.1	15.0	19.5	20.7
UK	21.5	24.3	22.7	28.1	27.7

Source: MTSS. Anuario Estadísticas Laborales 1996

Table A.2: Social protection expenditure by function in EU countries (SEEPROS)

	Old Age		Illness		Invalidity		Survivors		Family		Unemploy.		Other	
	1980	1994	1980	1994	1980	1994	1980	1994	1980	1994	1980	1994	1980	1994
EU	34.1	36.0	26.0	24.3	9.1	9.0	9.2	7.7	9.2	6.8	5.3	7.2	5.2	4.6
Belgium	28.6	33.0	21.8	24.7	9.6	8.7	13.0	10.7	10.7	7.3	9.2	9.4	7.2	5.7
Denmark	35.1	36.6	26.7	17.4	8.4	8.8	0.5	0.1	9.9	10.0	10.8	11.3	8.5	15.8
Germany	28.8	31.0	28.3	27.0	8.8	9.0	13.9	10.2	9.1	6.9	3.1	6.9	8.1	9.0
Greece	56.3	56.2	16.3	14.9	9.7	9.5	9.8	10.6	2.6	0.7	2.7	2.7	2.7	5.4
Spain	30.8	32.6	26.8	26.0	7.8	8.1	10.3	10.0	2.9	0.8	15.0	17.4	6.5	5.1
France	35.3	37.2	26.2	26.2	6.2	5.9	8.6	6.5	10.7	8.2	4.3	6.1	8.6	10.0
Ireland	24.6	21.4	36.6	29.3	6.3	7.0	6.8	6.1	8.4	11.0	8.0	13.3	9.3	11.9
Italy	45.8	52.7	24.6	20.9	7.8	6.8	9.3	11.3	6.9	3.1	2.3	2.4	3.3	2.8
Luxemb.	30.9	31.8	23.4	23.8	12.9	11.2	16.6	14.2	8.8	12.1	0.6	1.2	6.9	5.6
Scandin.	26.0	31.3	25.0	21.8	23.4	21.8	5.0	5.5	8.1	4.8	6.1	10.4	6.4	4.4
Portugal	32.6	32.9	29.0	34.2	13.5	11.2	6.8	7.2	6.8	4.4	2.7	5.3	8.5	4.8
UK	40.6	40.1	23.0	19.2	8.8	11.7	2.2	1.3	11.4	10.2	8.2	6.1	5.8	11.4

Source: MTSS, Anuario Estadísticas Laborales 1996

¹ Social protection includes the following functions: Old age, Illness and Health; Invalidity; Survivors; Family; Unemployment; Housing; Social exclusion (not classified elsewhere) (SEEPROS in MTSS 1997).

Table A.3: Percentage of the Budget for Categories of Contributory Pensions

	Retirement	Invalidity	Widow	Orphan	Family
1986	52.53	29.42	15.86	1.85	0.33
1989	53.10	27.74	17.19	1.66	0.31
1992	52.24	26.42	18.36	1.49	0.29
1996	53.43	24.46	18.13	1.23	0.30

Source: Anuario El Pais 1996, 1997

Table A.4: Percentage of Claimants for categories of Contributory Pensions

Years	Retirement	Invalidity	Widow	Orphan	Family
1986	45.72	26.88	24.13	2.84	0.42
1989	45.96	25.83	25.09	2.70	0.43
1992	46.22	25.02	25.78	2.56	0.42
1996*	47.57	23.65	26.20	2.36	0.60

Source: Anuario El Pais 1996, 1997

*: Estimates

Table A.5: Ratio Women/Total of Retirement, Invalidity and Widow Contributory Pensions

	1982		1986		1989		1994			1996		
	R	I	R	I	R	I	R	I	W	R	I	W
Total	0.40	0.35	0.38	0.33	0.35	0.33	0.33	0.33	0.96	0.32	0.33	0.95
Under 30		0.28		0.24		0.21		0.15	0.98		0.18	0.97
30-39		0.20		0.21		0.23		0.23	0.94		0.23	0.93
40-49		0.18		0.18		0.19		0.22	0.95		0.24	0.93
50-54	0.57	0.25	0.50	0.21	0.00	0.21	0.00	0.22	0.96		0.23	0.95
55-59	0.20	0.31	0.05	0.27	0.04	0.24	0.11	0.23	0.97	0.06	0.23	0.96
60-64	0.23	0.34	0.14	0.31	0.12	0.29	0.15	0.27	0.97	0.15	0.27	0.96
65-69	0.37	0.42	0.33	0.37	0.29	0.34	0.27	0.34	0.96	0.28	0.33	0.96
70-74	0.38	0.44	0.38	0.45	0.37	0.42	0.33	0.37	0.96	0.31	0.37	0.96
75-79	0.41	0.46	0.40	0.47	0.40	0.48	0.38	0.45	0.96	0.37	0.42	0.96
80 and older	0.49	0.36	0.48	0.43	0.46	0.47	0.45	0.51	0.95	0.45	0.52	0.95

Source : Data from MTSS, Anuario Estadísticas Laborales

Note : R : Retirement, I : Invalidity, W : Widow

Table A.6: Contributory retirement pensions by sex and age group -percentages-

	1982		1986		1989		1994		1996	
	men	women	men	women	men	women	men	women	men	women
total	100	100	100	100	100	100	100	100	100	100
50- 54	0.09	0.19	0.01	0.02	0.0	0.0	0.0	0.0	0.0	0.0
55- 59	0.06	0.02	0.23	0.02	0.0	0.0	0.0	0.0	0.1	0.0
60- 64	5.68	2.62	9.86	2.56	12.2	4.1	12.6	4.4	12.8	4.7
65- 69	26.54	22.95	26.63	21.71	29.4	21.8	29.2	22.0	28.9	23.0
70- 74	28.90	27.02	24.42	25.18	24.0	23.9	24.5	24.0	24.6	23.1
75- 79	21.55	22.48	20.42	22.88	15.5	19.6	15.2	19.1	16.0	19.3
80	17.18	24.72	18.42	27.62	18.8	30.6	18.4	30.4	17.7	29.9

Table A.7: Contributory invalidity pensions by sex and age group -percentages-

	1982		1986		1989		1994		1996	
	men	women	men	women	men	women	men	women	men	women
Total	100	100	100	100	100	100	100	100	100	100
Under 30	0.7	0.5	0.6	0.4	0.5	0.2	0.4	0.2	0.6	0.3
30-39	3.0	1.3	3.0	1.7	2.9	1.8	2.8	2.0	3.4	2.1
40-49	8.9	3.7	7.9	3.6	7.9	3.9	6.9	4.7	8.3	5.3
50-54	11.1	7.0	10.0	5.4	8.0	4.2	6.2	4.1	7.4	4.4
55-59	16.9	14.0	16.4	12.2	15.1	9.8	10.3	7.3	10.7	6.6
60-64	21.5	20.9	22.4	20.0	20.7	17.5	17.7	14.6	18.1	13.4
65-69	19.0	24.6	18.7	21.7	20.7	21.6	19.4	20.0	18.6	18.5
70-74	11.5	16.9	11.6	19.2	12.7	19.0	16.9	18.9	15.9	19.1
75-79	4.6	7.4	6.0	10.6	7.2	13.8	10.8	14.9	10.0	14.8
80	3.6	3.7	3.4	5.3	4.3	8.0	8.6	13.5	7.0	15.5

Table A.8: Contributory widow pensions by sex and age group -percentages-

	1982*	1985	1989		1994		1996	
	women	women	men	women	men	women	men	women
Total	100	100	100	100	100	100	100	100
Under 30	0.37	0.31	0.18	0.27	0.13	0.24	0.11	0.20
30-39	1.8	1.63	1.81	1.4	2.12	1.36	2.25	1.33
40-49	5.13	4.6	3.80	4.2	4.64	3.74	5.06	3.56
50-54	5.79	5.39	3.44	4	3.18	3.64	3.60	3.56
55-59	8.5	8.2	7.05	7.5	4.50	5.62	4.16	5.01
60-64	1.3	11.7	10.67	10.7	8.08	9.97	7.99	9.33
65-69	14.3	13.6	12.12	14.5	11.52	13.67	11.47	13.39
70-74	17.8	17	13.56	15.6	15.89	17.09	15.75	17.12
75-79	16.7	17.2	18.26	17.3	15.63	16.41	15.97	17.11
80	18.2	20.3	29.29	24.4	34.30	28.26	33.63	29.36

Source: Data from MTSS 1996

*: Data by sex for widow benefits is not available before 1989

Table A.9: Ratio women/men invalidity and retirement pensions by age group*

	1982			1985			1990			1993			1996		
	m	w	w/m	m	w	w/m	m	w	w/m	m	w	w/m	m	w	w/m
Invalid.															
Total	22.7	17.8	0.78	33.2	24.7	0.74	52.1	37.4	0.72	66.7	46.7	0.70	79.3	55.2	0.70
under 30	21.6	17.7	0.82	32.2	30.0	0.93	50	45	0.90	64	56.9	0.89	71.7	62.4	0.87
30-39	22.0	19.0	0.86	33.8	28.8	0.85	52.2	47.2	0.90	67.1	60.6	0.90	79.3	71.9	0.91
40-49	21.3	17.4	0.82	32.4	25.2	0.78	52.2	41.4	0.79	68.3	55.9	0.82	82.3	70.2	0.85
50-54	21.6	16.7	0.77	32.1	23.6	0.74	50.8	36.7	0.72	67.1	48.7	0.73	81.3	60.2	0.74
55-59	23.0	16.9	0.73	33.9	24.0	0.71	53.6	37.2	0.69	70.9	48.5	0.68	87.5	59.2	0.68
60-64	23.9	17.4	0.73	35.0	24.5	0.70	53.6	36.9	0.69	69.4	47.1	0.68	84.4	56.5	0.67
65-69	24.2	18.9	0.78	35.4	26.6	0.75	55.7	39.9	0.72	70.2	49.6	0.71	82.9	58.5	0.71
70-74	21.4	18.3	0.86	30.7	24.7	0.80	51.2	37.9	0.74	64.6	46.4	0.72	75.8	54	0.71
75-79	19.9	17.0	0.85	28.1	23.5	0.84	45.1	34.7	0.77	58.4	43	0.74	69.6	50.6	0.73
80	21.5	15.4	0.72	28.3	20.5	0.72	41.9	32.2	0.77	51.6	39	0.76	60.4	45.3	0.75
Retir.															
Total	23.6	18.1	0.77	35.1	24.3	0.69	58.6	37.5	0.64	74.7	46.8	0.63	89.8	55.4	0.62
50-54	16.1	13.7	0.85	30.6	19.1	0.62	61.3	27.6	0.45	76.5	31.7	0.41	61.9	40.5	0.65
55-59	36.0	32.0	0.89	44.8	51.0	1.14	88	77.3	0.88	87.5	60.9	0.70	61.9	40.5	0.65
60-64	31.2	20.4	0.65	49.0	33.0	0.67	62.3	45.3	0.73	72.8	53.2	0.73	89.3	62.9	0.70
65-69	28.2	19.5	0.69	43.1	27.5	0.64	69.4	43.8	0.63	85.8	54.9	0.64	101	63.6	0.63
70-74	23.1	18.1	0.78	34.5	24.4	0.71	63.1	39.9	0.63	81.5	50.5	0.62	94.8	59.7	0.63
75-79	20.3	17.5	0.86	28.8	22.7	0.79	51	35.2	0.69	69.8	45	0.64	88.1	54.5	0.62
80	18.6	17.1	0.92	26.0	22.1	0.85	41.4	31.9	0.77	53.9	38.4	0.71	66.3	45.1	0.68

Source : MTSS, Anuario Estadísticas Laborales

*: Average pensions thousand pesetas/month

Table A.10: Ratio women widow contributory pension/men retirement contributory pension*

	1982			1990			1993			1996		
	R	W	W/R	R	W	W/R	R	W	W/R	R	W	W/R
Total	23.6	13.8	0.58	58.6	31.8	0.54	74.7	41.6	0.56	89.8	48.7	0.54
Under 30		17.6			35.4			42.7			48.8	
30-39		17.3			38.7			47.8			54.4	
40-49		15.6			37.5			47.6			56.8	
50-54	16.1	15.0	0.93	61.3	35.1	0.57	76.5	44.8	0.59	61.9	54.3	0.88
55-59	36.0	14.5	0.40	88	33.8	0.38	87.5	42.5	0.49	61.9	51.4	0.83
60-64	31.2	13.7	0.44	62.3	33.1	0.53	72.8	44.9	0.62	89.3	53.2	0.60
65-69	28.2	13.8	0.49	69.4	34.2	0.49	85.8	44.4	0.52	100.9	53.2	0.53
70-74	23.1	13.4	0.58	63.1	31.7	0.50	81.5	41.3	0.51	94.8	50	0.53
75-79	20.3	13.2	0.65	51	29.9	0.59	69.8	38.7	0.55	88.1	46.7	0.53
80	18.6	12.9	0.69	41.4	28.7	0.69	53.9	37.7	0.70	66.3	43.4	0.65

Source : MTSS, Anuario Estadísticas Laborales

*: Average pensions thousand pesetas/month

Table A.11: Proportion of minimum pensions in relation to the minimum wage

	1985	1986	1987	1989	1990	1991	1993	1994	1995	1996	1997
Retirement											
Over 65 of age	0.74	0.74	0.75	0.77	0.80	0.80	0.81	0.82	0.82	0.82	0.82
Under 65 of age	0.65	0.65	0.70	0.68	0.70	0.70	0.71	0.71	0.71	0.72	0.72
Invalidity											
Severe Disablement	1.11	1.11	1.12	1.16	1.20	1.20	1.21	1.22	1.22	1.23	1.23
Absolute Incapacity	0.74	0.74	0.75	0.77	0.80	0.80	0.81	0.82	0.82	0.82	0.82
Total Incapacity	0.74	0.74	0.75	0.77	0.80	0.80	0.81	0.82	0.82	0.82	0.82
Partial Incapacity	0.65	0.65	0.65	0.68	0.80	0.80	0.81	0.82	0.82	0.82	0.82
Widow											
Over 65 of age	0.56	0.57	0.57	0.71	0.74	0.77	0.81	0.82	0.82	0.82	0.82
Under 65 of age	0.49	0.49	0.49	0.51	0.54	0.58	0.62	0.63	0.63	0.72	0.72
Orphan											
Not absolute	0.22	0.22	0.22	0.23	0.24	0.24	0.24	0.24	0.24	0.24	0.24
Absolute	0.70	0.71	0.71	0.74	0.78	0.76	0.78	0.78	0.78	0.79	0.79
In Family Favour											
With additional pension	0.22	0.22	0.22	0.23	0.24	0.24	0.24	0.24	0.24	0.24	0.24
Sole beneficiary > 65	0.56	0.57	0.57	0.59	0.61	0.61	0.62	0.62	0.62	0.63	0.63
Sole beneficiary < 65	0.49	0.49	0.49	0.51	0.53	0.53	0.54	0.54	0.54	0.55	0.55
Illness	0.55	0.55	0.56	0.57	0.59	0.59	0.51	0.52	0.52	0.52	0.52

Source: Author's elaboration from MTSS, Anuario Estadísticas Laborales

Note: The minimum amounts for retirement, permanent invalidity and provisional invalidity correspond to the categories "without dependant spouse".

Table A.12: Percentage of contributory pensions by regimes

	1976	1980	1985	1990	1995					
General Regime	1793345	49.9	1636386	37.2	2245345	41.6	2834164	45.8	3608374	51.3
Autonomous W.	217029	6.0	347308	7.9	508239	9.4	631338	10.2	752675	10.7
Agrarian (dep.)	499648	13.9	505306	11.5	616115	11.4	667239	10.8	673126	9.6
Agrarian (auton.)	722613	20.1	763582	17.4	870139	16.1	940496	15.2	944141	13.4
Miners	61822	1.7	63079	1.4	71583	1.3	75154	1.2	76350	1.1
Seamen	53385	1.5	74692	1.7	92739	1.7	108467	1.8	121520	1.7
Domestic Service	56758	1.6	80781	1.8	135093	2.5	172912	2.8	199177	2.8
Labour Accidents	143800	4.0	156763	3.6	163251	3.0	169628	2.7	177738	2.5
Professional Disease	43605	1.2	41993	1.0	41111	0.8	42217	0.7	44672	0.6
S.O.V.I.**			728544	16.6	652902	12.1	545520	8.8	441905	6.3
TOTAL	3592005	100	4398434	100	5396517	100	6187135	100	7039678	100

Source: Informe Económico-Financiero 1998

** Until 1979 S.O.V.I. pensions were included within each regime

Table A.13 Distribution of retirement pensions by years of contribution by regimes

<i>Yrs Contribution</i>	<i>GR</i>	<i>SR1</i>	<i>SR2</i>	<i>SR3</i>	<i>SR4</i>	<i>SR5</i>	<i>SR6</i>	<i>SR7</i>
15	5.36	46.11	36.66	44.85	30.85	7.77	61.36	20.93
16-20	2.91	20.74	3.52	6.46	0.7	0.25	20.13	6.22
21-25	3.91	14.2	2.2	3.27	1.26	0.67	9.94	5.09
26-30	6.1	9.08	2.94	3.83	3.44	1.51	5.32	5.78
31-34	7.73	4.77	3.13	3.38	4.82	2.46	2.11	6.07
35 and more	73.99	5.1	51.55	38.21	58.94	87.34	1.15	55.91
TOTAL	100	100	100	100	100	100	100	100

Source: Informe Económico-financiero 1998 (*Data 1st of January 1997*).

GR: General Regime; SR1: self-employed workers; SR2: agrarian workers (dependent); SR3: agrarian workers (self-employed); SR4: seamen; SR5: miners; SR6: domestic service; SR7: illness; SR8: professional disease.

Table A.14: Percentage of pensions over the total that receive minimum complements

	<i>GR</i>	<i>SR1</i>	<i>SR2</i>	<i>SR3</i>	<i>SR4</i>	<i>SR5</i>	<i>SR6</i>	<i>SR7</i>	<i>SR8</i>
1987	24.34	62.65	50.37	54.21	37.06	16.7	61.25	25.65	29.62
1990	31.71	62.65	57.66	58.13	38.48	17.78	63.01	25.9	31.08
1994	29.67	58.42	57.89	55.39	35.62	16.95	59.04	23.36	27.73
1997	27.22	48.74	54.8	51.42	31.97	15.32	57.88	21.03	25.54

Source: Informe Económico-Financiero 1998

Appendix 3

Types of pensions and Cash Benefits - A selected Audit -

Standard Risks:

- 1. Employment Injuries and occupational Diseases. Temporary Incapacity**
- 2. Maternity leave**
- 3. Permanent Invalidity:**
 - 3.1.- Contributory:
 - 3.1.1.- Social Security Regime (Partial; Total; Absolute; Severe Disablement)
 - 3.1.2.- S.O.V.I. Retirement
 - 3.2.- Non Contributory
- 4. Old Age**
 - 4.1.- Contributory:
 - 4.1.1.- Social Security Regime
 - 4.1.2.- S.O.V.I. Retirement
 - 4.2.- Non Contributory
- 5 Survivors (Contributory)**
 - 5.1.- Death Grant
 - 5.2.- Widow's/widower's pension
 - 5.2.1.- Social Security Regime
 - 5.2.1.- S.O.V.I. widow(er)'s pension
 - 5.3.- Orphan
 - 5.4.- Familiar favour
- 6. Family Benefits (*Prestaciones Familiares por Hijo a Cargo*)**
 - 6.1.- Contributory
 - 6.1.- Non Contributory
- 7. The Income Tax System (I.R.P.F.)**

TABLE A.15: TYPES OF PENSIONS AND CASH BENEFITS

PENSION TYPE	Field of application	Risk protected	Conditions	Benefits ¹	% MP in relation to SMI ²
Temporal Incapacity	employees	Loss of income for employment or non employment injuries and occupational disease	Active employees registered with social security Common illness: contribution period of 180 days within the 5 years right before the cause of incapacity. Employment/non employment injuries/occupational disease: no preliminary contribution record is needed.	Economic Allowance: -Common disease and non-employment injuries: 60% of the RW /75% from the 21st day of the sick leave onwards -Employment injuries and occupational diseases: 75% of RW	52%
Permanent Invalidity					
Contributory (RGSS) 1. Permanent Partial Incapacity for Habitual Occupation 2. Permanent Total Incapacity for Habitual Occupation 3. Permanent Total Incapacity for Work 4. Severe Disablement	employees and assimilated	Loss of income from physical or functional disabilities	Active employees registered with Social Security 33% as the minimum level of incapacity for work Contribution period of 15 years (3 years within the 10 years right before the fait originator). Non qualifying period from non-employment related injury if the insured person is regularly insured or assimilated thereto.	1. Lump-sum equal to 24 times RW used for calculation of sickness 2. Annuity 55% of RW (increased by 20% if over 55 and out of work 3. Annuity of 100% of RW 4. Same as 2 plus 50% if assistance of a third person is needed.	1. 82% 2. 82% 3. 82% 4. 120%
Contributory (SOVI)	workers that had the conditions to receive a SOVI pension in 1967	Loss of income for old age invalidity , incapacity for work and severe disablement	1.800 days of contribution to the extinguished regime of <i>Retiro Obrero Obligatorio</i>	Annual fixed amount pension by Royal Decree	59%
Non Contributory	Physic or psychic handicap people with lack of economic resources	Lack of economic resources in invalidity situations	Lack of economic resources for living, with no claim to a contributory pension Legal residence in Spain Over 18 and under 65 years of age To have a degree of handicapped equal or over 65%	Annual fixed amount pension by Royal Decree	55%
Maternity Leave	employees	Loss of income for giving birth or adopting a child	Active employees registered with Social Security Minimum period of contribution of 180 days within the 5 years right before birth (or adoption)	Economic subsidy 100% of the RW	

¹ RW: Reference wage

² Minimum pensions and Minimum Wage (SMI) of 1996.

TYPE OF PENSION	Field of application	Risk protected	Conditions	Benefits	% MP in relation to SMI
Old Age					
Contributory	employees	Loss of income originated by the cessation of working activity due to employees' age of retirement	- Contribution record of 15 years (2 years within the 8 years immediately preceding - Legal retirement age: 65 years	A unique for-life pension. Percentage of RW corresponding to claimant's contribution record. From 50% for 10 years to 100% for 35yrs	82% 72%
SOVI	same as contributory SOVI Invalidation	Idem	- 1.800 days of contribution to SOVI or to be affiliated to the extinguished regime of <i>Retiro Obrero Obligatorio</i> - To be unable to receive any other Social Security Pension	Same as contributory SOVI invalidity	59%
Non Contrib.	Persons in need of protection and without enough economic resources	Risk of poverty due to old age	- Lack of economic resources (the total of the income is equal or under the pension's amount) - To have the legal residence in Spain - 65 years of age and over	A fixed unique for life pension	55%
Survivors					
Surviving Spouse (Contributory RGSS)	Spouse of the former worker	Lack of economic resources due to the death of the breadwinner	- The deceased must have been affiliated to social security scheme and must have contributed for at least 500 days in the 5 yrs preceding death, contribution record is needed only if the death is provoked by a non-professional disease - To have lived with the deceased insured on a regular basis	A unique for-life pension 45% of the RW	82% 72%
SOVI widow (er) pension	Spouse of the former worker	Lack of economic resources due to the death of the breadwinner	If the claimant died before 1-1-67 and was affiliated to SOVI:-10 yrs of marital cohabitation; 50 yrs of age or to a certain degree of handicap; No right to Social Security pensions system. If the claimant died after 1-1-67 and it is not a pensioner of SOVI:1.800 days of contribution to SOVI or to have been affiliated to the <i>Retiro Obrero Obligatorio</i>	A fixed for life pension	59%
Orphan	Children of the former employee	Contingency of survival that protects the paternal-filial relationship	- The orphan has to be the legal son or daughter of the deceased person - The orphan has to be under 18 yrs of age unless there is total incapacity to work	Absolute: 65% of RW Partial: 20% of the RW	Not Absol.:24% Absolute: 79%
Other Beneficiaries "In Family Favour"	Family members of the deceased others than the surviving spouse and children	Loss of income due to family dependence to the deceased person	-The cohabitation with the deceased person at least two years before death - Economic dependency of the deceased person, lack of subsistence resources and absence of other family members with the possibility and obligation of helping in the subsistence - No right to any other type of pension from the state - If the cause of death was a common disease: contribution period of 500 days of the 5 yrs immediately before death	Temporary allowance of 20% of RW for old-age pension. Payment of 12 monthly rates for children or brothers/sisters aged 18-45	With add. Pension: 24% sole beneficiary >65 63% sole beneficiary <65 55%

TYPE OF PENSION	Field of application	Risk protected	Conditions	Benefits	% MP in relation to SMI
Family Benefits					
Contributory (Family Benefit for a dependant child)	employees with children under 18 and lack of economic resources or with dependant handicapped children	- Risk of poverty for households with children under 18 - Disabled children	- To be affiliated to Social Security - To have salaries no superior to a certain quantity established by the legislation (1 million pesetas per year in 93)) no earned income limit for a handicapped child - The cohabitation between the child and the claimant and the economic dependence of the child from the claimant - Age limit: 18 (no age limit for serious disablement) - A degree of handicapped over 33% if the child is under 18 and over 65%	Economic allowance of fixed quantity	Child under 18: Non-disabled:5% Disabled: 9% children over 18: >65% dis.55% .75% dis. 82%
Non Contributory (Family Benefit for a dependant child)	idem	Idem	- Not to meet the requirements of affiliation and contribution of the Social Security System - Annual incomes must not be superior to a level established by the legislation (no earned income limit for a handicapped child) - The cohabitation between the child and the claimant and the economic dependence of the child - A degree of handicapped over 33% if the child is under 18 and over 65%	Economic allowance of fixed quantity	

1.- Employment Injuries and Occupational Diseases. Temporal Incapacity (*Incapacidad Temporal-IT-*)

Concept: Economic Allowance as a substitute of the salary. The worker is temporary and involuntarily disabled to work due to employment injury or occupational disease. IT covers the risk of loss of income of the employee. Sanitary assistance is covered from the moment that IT exists.

Historical Background : Before the Basic Law of Social Security (LBSS) of 1963, the insurance regime was dependant on the cause or risk that originated the right of an incapacity pension. The LBSS established that there was only one category of risk: the lose of income. According to that new consideration the protection was meant to be the same independently of the risk of origin. However, the uniformity has only been achieved in the length of the allowance but not in its amount (*Acción Protectora* 1993: 79).

Before the 42/1994 Law of 30 of December Temporal Incapacity was divided into two contingencies: Transitory Incapacity and Provisional Invalidity. The 42/1994 law converted the contingency into a unique category: Temporal Incapacity (*Incapacidad Temporal*).

Field of Application: Employees

Conditions:

- Active employees registered in the social security system.
- In case of common illness: contribution period of 180 days within the five years right before the cause of the injury.
- In case of employment or non employment injuries and occupational disease no preliminary contribution record is needed.

Benefits:

- Common disease and non-employment injuries: 60% of the Reference wage from the first until the 20th day of the sick leave and 75% from the 21st day onwards.
- Employment injuries and occupational diseases: 75% of the Reference wage.

Duration of Benefits: Maximum duration of 12 moths. It might be extended to 6 months.

Administration : National Institute of Social Security. For certain cases the administration of the benefits can be made through the Mutual Aids Funds.

2.-Maternity Leave

Concept: Maternity leave means the suspension of the job contract for 16 non-stop weeks. The mother can distribute that period of time between the pregnancy, the birth and the after birth period. It is however compulsory to leave 6 weeks of the maternal leave for the after-birth period. If both parents work, the mother can chose to leave the last 4 weeks of the maternity leave to the father.

In case of adoption, if the child adopted is under nine months, the period of maternity leave is of eight weeks, if the child is over nine months and under five years old, the maximum leave of absence of the mother is eight weeks.

Both parents can have access to this right, if both are workers only one can have the right to it.

Historical Background: Before the 42/1994 law, maternity leave was considered as a category of Employment injuries and occupational diseases. From 1994 maternity leave begins to be considered as a contingency to be protected in itself. The category includes maternity leave and adoption.

Length of the allowance and other changes over time:

166 Article. Law of labour contract (*Ley Contrato de Trabajo*)

- 6 weeks of voluntary leave before birth
- 6 weeks of compulsory leave after birth.

25.4 Article. Law of Labour relations 1976 (*Ley Relaciones Laborales 1976*):

- 6 weeks of voluntary leave before birth
- 8 weeks of compulsory leave after birth

48.4 Article. Statute of Workers (*Estatuto de los Trabajadores*)

- 14 weeks of voluntary leave (max.) to be distributed before and after giving birth

3/1989, Law 3 of March

- 16 non-stop weeks, of which 6 have to be after birth.
- 75% of the salary and 1 year of contribution before giving birth

42/1994 Law (Art. 33):

- Maternity leave is no longer considered within the category of Employment Injuries and Occupational Diseases (*Incapacidad Laboral -IL-*) but as a contingency to be protected in its own.
- 100% of the salary and 180 days of contribution within the 5 years right before giving birth.
- The law also established that the subsidy were to be paid directly by the INSS. Until then, maternity allowance had to be given by the employer directly to the employee. Therefore, the entrepreneurial costs of maternity allowances have been reduced.
- The voluntary leave has also been reformed: during the first year of absence the same employment is preserved. The law gives facilities to employ substitute workers during the period of absence. Since 1995 these “substitute” contracts have reductions for employers in the contributions to Social Security (95% the first year; 60% the second; and 50% the third). These “substitute workers” have to be recipients of unemployment benefits for more than one year.
- The first year of voluntary leave is considered as contributory period.

Conditions: Active employees registered with Social Security. Minimum period of contribution of 180 days, within the 5 years right before birth (or adoption). In part-time contract only the working hours are taking into account.

Benefit: Economic subsidy that corresponds to 100% of the correspondent reference wage.

3.- Permanent Invalidity

The concept of invalidity has been deeply modified as a consequence of the establishment of non contributory pensions in 1990. From that date onwards invalidity pensions within the Social Security system consist of the current contributory pensions and the new non-contributory pensions. Since 1994 all invalidity pensioners are converted into retirement pensioners when they reach 65 years of age.

3.1.- Contributory Invalidity

3.1.1.- Contributory Invalidity of the Social Security General Regime

Concept: Permanent invalidity is the situation of a worker who, after having undergone prescribed treatment, suffers from physical or functional disabilities, capable of objective assessment and probably definitive in character, which render him or her partially or totally incapable of work

Categories

.- Permanent Partial Incapacity for Habitual Occupation (2 años a tanto alzado): Invalidity that implies for the employee an incapacity no less than 33% in his or her usual performance for his or her ordinary employment, without making the worker incapable of his/her fundamental tasks.

.- Permanent Total Incapacity for Habitual Occupation (*total*): It disqualifies the worker for all or at least the fundamental tasks of his/her usual profession but not for any other occupational activity different from his/her normal one.

.- Permanent Total Incapacity for Work (*Absoluta*): Complete incapacity of the employee for any type of professional activity

.- Severe Disablement: Complete incapacity of the employee for any type of professional activity, been also necessary for him or her the assistance of a third person.

Field of Application: Employees and assimilated

Conditions

- Active employees registered with Social Security

- Minimum level of incapacity for work: 33%; period for which cover is given: from the date on which the responsible body declares claimant to be permanently incapable (normally this will be an assessment of the existing permanent invalidity).

-Minimum period of membership for entitlement:

Regularly insured person under 26 years: half time between the age 16 and the date of onset of condition giving rise to invalidity.

Regularly insured person over 26 years: a quarter of the time between the age of 20 and the event giving rise to invalidity, subject to a minimum of 5 years. One fifth of contribution period must full within the 10 years prior to the causal event. Larger qualifying period if not regularly insured.

No qualifying period of invalidity results from non-employment related injury if the insured person is regularly insured or assimilated thereto.

Benefits: The economic subsidies vary depending on the degree of invalidity recognised, the contingency responsible of the invalidity and the fact that the employee was registered with Social Security at the moment of the event.

a) Permanent Partial Incapacity for habitual occupation: Lump-sum equal to 24 times monthly reference wage used for calculation of sickness

b) Permanent Total Incapacity for Habitual Occupation: Annuity of 55% of reference wage. Increased by 20% if over 55 and out of work (pension of 75%). Pension may, at request of beneficiary, be commuted to a lump-sum payment equal to 84 times monthly pension (minus 12 months for every year the claimant's age exceeds 55, subject to a minimum of 12 months).

c) Permanent Total Incapacity for Work: Annuity 100% of the reference wage.

d) Severe Disablement: Amount payable for permanent total incapacity for work plus 50% if the disabled needs the assistance of a third person.

Administration: National Institute of Social Security (in certain cases also the Mutua Patronal)

Adjustment: Pensions are adjusted at the beginning of each year in line with forecast changes in the Consumer Price Index (IPC) for the year in question. Adjustment is automatic

Incompatibility: Invalidity pensions may not be drawn concurrent with any other pension under the General Scheme except a widow's pension. They are also incompatible with lump-sum payments in respect of lesions, mutilations and deformities, except where the latter are entirely unconnected with the factors giving rise to invalidity. (MISSOC)

Taxation: Since 1994, permanent incapacity benefits are fully liable to taxation. Permanent total incapacity (for work) benefits and benefits for severe disablement are not subject to taxation.

3.1.2.- SOVI' Contributory Invalidity:

Concept and Historical Background: The Compulsory Insurance of Old Age and Invalidity (*El Seguro Obligatorio de Vejez e Invalidez -S.O.V.I.-*) was created in 1947. This pensions are given to old people, ill or invalid people that are not capable of working. The beneficiaries are claimants that had the conditions to receive a SOVI pension in 1967.

Categories: Three main situations are protected by SOVI:

- Old age invalidity: a person of 60 years old and considered with permanent total incapacity for habitual occupation.
- Permanent total incapacity for habitual occupation: from 50 years old onwards.
- Severe disablement: between 30 years old and less than 50

Conditions

- a) To demonstrate the lack of economic resources and to be unable to receive any other pension of the Social Security System.
- b) The incapacity cannot be originated by a labour accident or professional disease.
- c) To have contributed to SOVI during 1.800 days or to be affiliated to the extinguished Regime of *Retiro Obrero Obligatorio*

Benefits: A unique for-life pension of fixed quantity (fixed each year by Royal Decree)

3.2.- Non contributory Invalidity

Concept : First introduced by the 26/1990 Law of 20 of December of non contributory benefits, Non contributory pensions are designed for those individuals without a claim to a contributory pension, either because they did not pay contributions or because they were not in the contributory scheme for the minimum period.

Non contributory pensions, as contributory pensions, include not only the economic subsidy but also the sanitary assistance and have the right to social services of the Public Administration.

Conditions

- a) Lack of economic resources for living.: when the total annual income is under the annual amount of the pension. If in an household there is more than one person entitled to a pension, 70% of the amount of

the pension is added for each additional person. If the pensioner lives by her/himself, then the total sources of annual income plus the amount of the pension must be inferior to the *limit of accumulation of resources*:

Limit of Accumulation of Resources in the Economic Unit (1998)

Number of members	Without descendants in 1st grade	With descendants in 1st grade
1	521.920 ptas/year	-----
2	887.264 ptas/year	2.218.160 ptas/year
3	1.252.608 ptas/year	3.131.520 ptas/year
4	1.617.952 ptas/year	4.044.880 ptas/year

(Informe Económico-financiero 1996: 241)

b) To have the legal residence in Spain

c) Age: over 18 years and under 65

d) To have a degree of handicapped equal or over 65%

Benefits: *Annual fixed amount*

If the beneficiary has a degree of handicapped equal or over 75%, the amount of the pension is increased in 50% the actual amount

Administration: Institute of Social Services (INSERSO) or Regional Administrative Body when the competencies are transferred.

Financing : State contribution to the Social Security budget

4.- Old Age

4.1.- Contributory Retirement

4.1.1- Contributory Retirement (Social Security Regime)

Concept: Contributory retirement pensions protect the risk of lack of income originated by the cessation of working activity once the employee has reached the minimum age of retirement.

Historical Background

-1908: Creation of Instituto Nacional de Previsión; Regime of old age pensions that creates a voluntary social insurance based on the free contracting of life annuity or temporal income.

-1909: Retiro Obrero Obligatorio

-1939 Transformed on: Old Age Subsidy (Subsidio de Vejez)

-1947 Compulsory Insurance of Old Age and Invalidity (Seguro Obligatorio de Vejez e Invalidez -S.O.V.I-).

-1966 Law of Social Security. It substitutes the old system of SOVI, establishing a unique pension system. Pensions' amounts vary depending on the contributory background and reference wage

- 1974 General Law of Social Security. It changes the definition of the risk protected. It is no longer called Old Age pension, now it becomes Retirement Pension

- 1978 Constitution (article 50).

Field of Application: Employees

Conditions: Legal retirement age: 65 years. The Legal Retirement Age can be reduced by Royal Decree in certain cases for certain professionals within the special regimes. Early retirement from 60 years of age is also possible. The amount of the pension is reduced by 8% for each year before the age of legal retirement (*coeficiente reductor*).

Minimum period of membership: Entitlement depending on a contribution record of the last 15 years, including at least 2 years in the 8 immediately preceding retirement.

Benefits: *Amount of the Pension. Changes over time*

1972 Law: Percentage of reference wage corresponding to claimant's contribution record, on a scale running from 50% for a minimum period of 10 years to 100% for 35 years, with an increase of 2% for each year within this range.

Law 26/1985

- Percentage of reference wage corresponding to claimant's contribution record, on a scale running from 60% for a minimum period of 15 years to 100% for 35 years
- The reference wage is obtained by dividing by 112 the sum of the contribution assessment figures for the 96 months immediately preceding retirement. The figures for the 72 contribution months most distant from retirement are adjusted in line with consumer price trends between the month in question and that 25 months from retirement.

Agreement 1996

- Percentage of reference wage corresponding to claimant's contribution record, on a scale running from 50% for a minimum period of 15 years, 80% for a period of 25 years and 100% for 35 years

Adjustment: (Same as Invalidity)

Accumulation with earnings: Pension is suspended in case of earnings from employment/self-employment.

Taxation: Benefits are fully liable to taxation

4.1.2- Contributory Retirement of S.O.V.I.

Concept (see Contributory Invalidity of SOVI)

Conditions

- 65 years of age
- To have contributed to SOVI during 1800 or to be affiliated to the extinguished regime of *Retiro Obrero Obligatorio* (before 1940);
- To be unable to receive any other pension of the Social Security System.

Benefit (Same as Contributory Invalidity of SOVI)

4.2.- Non contributory Retirement Pension

Concept: First introduced by the 26/1990 Law of 20 of December, through which the right for a retirement pension is extended to all citizens, independently of their contributory or non contributory background and the time of contribution if they lack economic resources and need protection.

Non contributory pensions, as contributory pensions, include not only the economic subsidy but also the sanitary assistance and have the right to social services of the Public Administration.

Field of Application: Persons in need of protection and without enough economic resources

Conditions:

- Lack of economic resources: the person is considered as not having enough economic resources when the total of her/his income is equal or under the amount of the pension. If the claimant shares a household with other people (spouse, relatives,...) then the claimant has right to a pension when the total of resources of all the members of the household is under or equal the amount of the pension plus the 70% for each additional member of the household.

- To have the legal residence in Spain
- 65 years of age and over

Benefits: Annual fixed amount

Incompatibility: Non contributory pensions may not be drawn concurrent with assistentialist pensions regulated under the 45/1960 Law of 21 of July. They are also incompatible with General non contributory minimum at the regional level.

Administration: Institute of Social Services (INSERSO) or Regional Administrative Body when the competencies are transferred.

5.- Survivors

The unified protection for death and survivors begins with the Basic Law of Social Security of 1963 (La Ley de Bases de la Seguridad Social) and the Social Security Law of 1966

Categories

- 1.- Surviving spouse
- 2.- Orphan
- 3.- Other Beneficiaries(Supervivencia de Familiares)
- 4.- Other Benefits (Death grant)

Field of Application: Employees and dependents.

5.1.- Surviving spouse:

5.1.1.- Widow(er)' pension . General Regime of Social Security

Conditions

1. At the time of death: affiliated to social security scheme and either enjoying active contributor or equivalent status; in receipt of an invalidity or old-age pension; must have contributed for at least 500 days in 5 years preceding death only if the death is provoked by a non-professional disease. Otherwise, no preliminary contribution record is needed.

2. The Widow or widower must have lived with the deceased insured on a regular basis. In case of separation or divorce, pension is shared between beneficiaries in proportion to the length of period of cohabitation. In case of extramarital unions there is no right for a pension.

Before the 30/1981 law, besides the marital status, the condition of cohabitation or living together was also required. The surviving spouse had to have lived ordinarily with the death spouse. The Resolution

of 23 of June 1989 of the Social Security General Secretary decided to cancel the condition of cohabitation in order to receive the pension.

The benefit is however cancelled if the widow marries again.

Benefits: 45% of Reference wage (total amount of paid wages subject to contributions over a continuous period of 24 months within the last seven years are divided by 28) for deceased person. Where deceased insured was in receipt of an invalidity or retirement pension, reference wage will be the same as was used for calculation of that pension, but subject to such increases and upward adjustments in corresponding death and survivor's benefits since date on which invalidity or retirement pension was awarded.

Incompatibility: Widow benefits are incompatible with any source of income from employment or with a retirement and invalidity benefits.

5.1.2.- Widow pension of S.O.V.I.

Concept (See Contributory Invalidity of SOVI)

Conditions: It differs depending on the date of death and whether the claimant was or was not affiliated to the SOVI system

a) Before 1 of January 1967:

If the claimant was affiliated to SOVI

- 10 years of marital cohabitation
- 50 years of age or to have a certain degree of handicap
- no right to any other pension of the different regimes that conform the Social Security System.

The pension becomes effective when the claimant is 65 years old.

b) After 1 January 1967:

If the claimant is not a pensioner of SOVI but has 1.800 days of contribution to SOVI or has been affiliated to the *Retiro Obrero Obligatorio*, the surviving spouse has right to a pension in the same conditions as in the case above.

Benefit: Monthly pension of fixed quantity.

5.2. Orphan

Concept: Contingency of survival that protects the paternal-filial relationship.

Conditions: The orphan has to be the son or daughter of the deceased person. The legal nature or the conditions of such relationship do not interfere in the right for a pension. Orphan pensions are extinguished when the orphan is 18 years old (if there is total incapacity to work this limit of age is not applied).

Benefits

Orphan children having lost one parent Where there is a spouse with entitlement to a survivor's pension: 1 child: 20%; 2 children 40%, 3 or more: 55% of reference figure. Sum of widow's and orphan's pensions paid may not exceed reference figure used for calculating those pensions, except as regards the minimum amount. Where there is no spouse with entitlement to a survivor's pension: 1 child: 20%, 2 children 40%; 3 children 60%; 4 children 80%; 5 or more: 100%.

Orphan children having lost both parents 1 child: 65% of reference figure; 2 children 85%; 3 or more 100% or more.

Compatibility: Orphan pensions are compatible with any other earned income of the surviving spouse or of the orphan him/herself. The pension is also compatible with a widow pension.

5.5.- Other Beneficiaries (Supervivencia de Familiares)

Concept: Pension given, under certain conditions, to family members of the deceased others than the surviving spouse and the children

Conditions

- a) Grandchildren and brothers or sisters under 18 or over that age if they have a permanent incapacity for work and if they are orphans of father
- b) Mothers and grandmothers (60 years old and older): widows, single or married whose husband has a permanent incapacity for work.
- c) Fathers and grandfathers: 60 years old (and older)or with a permanent incapacity for work

General conditions:

- The cohabitation with the deceased person at least two years before his/her death
- Economic dependency
- No right to any other type of pension from the state
- Lack of subsistence resources and absence of other family members with the possibility and obligation of helping in the subsistence-
- If the deceased person was employed by the time of death, he or she has to have covered a minimum period of contribution of 500 days of the 5 years immediately before the date of death, this condition is only required when death is cause of a common disease.

Benefit: It consists of a temporary allowance of 20% of reference figure for old-age pension. Payment of 12 monthly rates for children or brothers/sisters aged 18-45.

Amount: 20% of the reference wage for each member entitled to receive the benefits. If there are several family members entitled for a pension the limit is the same as the one applied for widow and orphan pensions, 100% of the reference wage of the deceased person.

5.6 Other Benefits: Death grant: 5.000 ptas (amount that has not been readjusted since 1967).

6.- Family Benefits (Prestaciones familiares por hijo a cargo)

6.1.- Economic allowance

Historical Background: The general category of 'Family Protection' was first established with the Basic Law of Social Security of 1963. Subsequently, the General Law of Social Security of 1974 developed the principal laws of the Family Protection. In 1985 Law of urgent measures for the rationalisation of the structure and action of the Social Security protection modified the previous legislation establishing the familiar protection to give priority to families with low income or less protected (unemployed, pensioners and low income employees).

In 1990 (26/1990 law of 20 of December) non contributory family benefits were introduced.

Concept: Economic allowance for each child under 18 or over that age if he/she is defined as handicapped in a degree equal or above 65% (if the child is under 18 the degree of handicapped has to be above 33%).

In 1990 two types of family benefits are established: contributory and non contributory benefit, while the first one needs the affiliation and contribution to the Social Security System the second one is designed for those cases where affiliation and contribution are not achieved.

Conditions:

6.1.1.- Family Benefit for a dependant child (Contributory)

a) Employees affiliated to Social Security that fulfil the conditions required and with incomes not superior to a certain quantity which is established by the legislation (for 1993 annual incomes could not be over a million pesetas with one dependant child and plus 15% for each additional dependant child). In the case of a handicapped child - whether under or over 18 - there is no earned income limit (over 33% of handicap if the child is under 18 and over 65% if the handicapped is over 18).

b) Pensioners of any contributory category with a dependant child or a handicapped child can also receive the family benefit if they do not exceed the minimum level of income required.

c) The cohabitation between the child and the claimant (father or mother), and the economic dependence of the child from his/her father/mother are two compulsory conditions to receive the benefits.

d) The age limit is 18 years of age for non disabled and there is no age limit for serious disablement.

Benefits: Economic allowance every six months for child under 18 benefit, and monthly for child over 18 and a degree of handicapped equal or over 65%. There are supplements that vary with income. No benefit if the family income per year exceeds one million pesetas. This amount increases by 15% per dependant child up from the second child

6.1.2.- Family Benefit for a dependant child (Non Contributory)

Concept: Designed for those claimants that do not meet the requirements of affiliation and contribution to the Social Security System

Conditions

a) Annual incomes must not be superior to a certain quantity which is established annually by Royal Decree (1.128.000 ptas per year for 1996). In the case of a handicapped child - whether under or over 18 - there is no earned income limit. (over 33% of handicap if the child is under 18 and over 65% if the handicapped is over 18)

b) The cohabitation between the child and the claimant (father or mother), and the economic dependence of the child from his/her father/mother are two compulsory conditions to receive the benefits.

Benefit: Fixed annual amount

Incompatibility: The two types: contributory and non-contributory are incompatible. If both come together, the contributory one will prevailed over the non contributory.

Family benefit is also incompatible with any other similar subsidy of the different regimes of the Social Security.

The claimant of the family benefit subsidy cannot be a pensioner of the contributory, non contributory, assistential pensions or the General non contributory Minimum of the regional level.

Taxation: Cash benefits are fully liable to taxation

Administration: INSS. National Institute of Social Security

Financing: The economic allowances for handicapped child (contributory and non-contributory) and the non-contributory economic allowance for child under 18 are financed through State transfer to the Social Security budget. The contributory economic allowance for child under 18 is financed directly through the Social Security Budget.

6.2.-Other benefits

Extended leave of absence of three years maximum to look after the children. During the first year of the extended leave of absence the employee has the right of his/her occupation. The period of extended leave of absence is considered as a contribution period to the Social Security, (regulated in 3/1989 law and 26/1990 Law of 20 of December).

7. The Income Tax System (IRPF)

Background: In 1964 the I.G.R.P.F. (Impuesto General de la Renta de Personas Físicas) was created. The family was the unit of taxation and only the income coming from work was subject to taxation.

In 1978 the francoist tax system was transformed to introduce more progressivity and redistribution between high and low incomes. The family remained as the unit of taxation. Under this reform a number of tax deductions were established to compensate the burden of dependants for the main earner within a family.

In 1989, a sentence of the Supreme Court (*Tribunal Constitucional*) declared that the consideration of the family as the unit of taxation was against the Constitution of 1978 which protects the right of every citizen to intimacy and also protects the family as an institution. The Court considered that none of these rights were considered in the tax system since members of a family unit were obliged to joint taxation and thus their incomes could not be kept private and also the family as an institution was not protected because the system penalised families with more than one earner.

As a consequence of the sentence, in 1989 a transitional law was created (*Ley de Adaptación de los Impuestos sobre la Renta y el Patrimonio*) valid until 1991. From this moment the individual is the unit of taxation and joint taxation remains optional for married couples. A number of mechanisms still existed to encourage joint taxation.

The law 18 of 1991 gives the final configuration of the tax system I.R.P.F. (*Impuesto de la Renta de Personas Físicas*). The option was to create a taxation system of strict individual character in its basic design. The income splitting and other mechanisms that make joint taxation attractive to families are discharged.

Family Tax Deductions

Before 1991

- General: Tax deduction depending on the number of members of the family with earnings (in 1985 this was substituted by the *deduccion variable* for families with more than one earner (effective until 1991)

- The housewife bonus (Marriage deduction was cancelled in 1991)
- Dependant children: children under 25 leaving in the household and with earnings under the minimum wage
- Age: tax relief for each member of the family over 70 years of age.
- Dependant elderly and handicapped: tax relief for each old person and/or handicapped living in the household.

Table A.16: Family Tax Deductions 1979-1991 (pesetas)

Year	General	Marriage	Children	Age	Old Relatives	Handicapped
1979	15.000	8.500	6.000	3.000	5.000	8.000
1980	15.000	10.500	8.000	5.000	6.500	28.000
1981	15.000	12.500	10.000	7.000	8.000	30.000
1982	15.000	14.500	12.000	9.000	10.000	32.000
1983	16.500	16.500	13.000	11.000	12.000	36.000
1984	17.000	18.000	14.000	11.000	12.000	36.000
1985	17.000	20.000	15.000	12.000	12.000	38.000
1986	17.000	21.000	16.000	12.000	12.600	40.000
1987	17.850	22.050	16.800	12.600	13.200	42.000
1988	-----	35.000	17.600	13.200	13.600	44.000
1989	-----	36.000	18.100	13.600	14.300	45.300
1990	-----	38.000	19.000	14.300	15.000	47.600
1991	-----	40.000	20.000	15.000	15.000	50.000

Source: Alvarez 1999

After 1991

The number of tax deductions were reduced. The 'general tax relief' and the housewife bonus were eliminated. The age for dependant children was extended to 30 and since 1995 a slightly further reduction is applied for the second, third and fourth child. In the case of old relatives also a small increase in the deduction applies according to whether the dependant is under or over 75 years of age.

Table A.17: Family Tax Deductions 1992-1998 (pesetas)

Year	Children			Old Relatives		Age	Handicapped
	1st	2nd	3rd	Under 75	Over 75		
1992	20.000	20.000	20.000	15.000	30.000	15.000	50.000
1993	20.000	20.000	20.000	15.000	30.000	20.000	50.000
1994	20.000	20.000	20.000	15.000	30.000	20.000	52.000
1995	20.700	20.700	25.000	15.000	31.000	15.500	54.000
1996	21.500	21.500	26.000	16.000	32.000	16.000	56.000
1997	22.100	22.100	26.700	16.500	32.900	16.000	56.000
1998	25.000	35.000	50.000	16.500	32.900	20.000	56.000

Source: Alvarez and Carrascal 1999

The 1991 reform defined two types of family in the case of optional joint taxation:

- Family integrated by the two spouses with their children (if any)
- Family integrated by the mother or the father and the child(ren) independently of their marital status.

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