

# The Evolution of Family Policy in Spain

Gerardo Meil

**SUMMARY.** The aim of this article is to trace the evolution of Spanish family policy from its beginning in the 1930s to the present, showing the shifting role played by the State in defining and supporting family formation and functioning. Different periods are considered according to the objectives and characteristics of this policy as well as according to the support it received from the political forces ruling in each period. For each period, objectives, mechanisms, output and outcome are analyzed. The evolution over the whole period has been, on one hand, away from support of the patriarchal family to the recognition of family pluralism, and, on the other, evolution from a government provided family salary to a policy intended to combat poverty. [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2006 by The Haworth Press, Inc. All rights reserved.]

**KEYWORDS.** Family allowances, family policy, reconciliation of family and working life, Spain

---

Gerardo Meil is affiliated with the Department of Sociology, Universidad Autónoma de Madrid.

Address correspondence to: Gerardo Meil, Departamento de Sociología, Facultad de CC. Económicas y Empresariales, Universidad Autónoma de Madrid, c/ Francisco Tomás y Valiente, 5 28049 Madrid, España (E-mail: [gerardo.meil@uam.es](mailto:gerardo.meil@uam.es)).

[Haworth co-indexing entry note]: "The Evolution of Family Policy in Spain." Meil, Gerardo. Co-published simultaneously in *Marriage & Family Review* (The Haworth Press, Inc.) Vol. 39, No. 3/4, 2006, pp. 359-380; and *Families and Social Policy: National and International Perspectives* (ed: Linda Haas, and Steven K. Wisensale) The Haworth Press, Inc., 2006, pp. 359-380. Single or multiple copies of this article are available for a fee from The Haworth Document Delivery Service [1-800-HAWORTH, 9:00 a.m. - 5:00 p.m. (EST). E-mail address: [docdelivery@haworthpress.com](mailto:docdelivery@haworthpress.com)].

<http://mfr.haworthpress.com>

© 2006 by The Haworth Press, Inc. All rights reserved.  
doi:10.1300/J002v39n03\_07

359

There is no common definition of family policy, although a host of researchers have approached the topic. In fact, some researchers doubt whether it can be defined at all, given the heterogeneity in time and space of the measures labeled as such (Pitrou, 1994). Problems in defining family policy may stem from the policy point of view itself, but also from the meaning of family. From the policy point of view, one of the difficulties is that in Spain there is no institutional public body responsible for this type of policy: it is rather a task cutting across many State agencies as well as many other public policies. One alternative to the institutional definition is to examine the motives behind public intervention. Family policy could be then understood as everything done by State agencies for the well-being of families (Dumon, 1987; Kamerman & Kahn, 1978). The problem with this approach is that most public policies affect families directly or indirectly. Economic policy could be considered an important part of family policy, as is education policy and so on. With the plurality of forms that families now take, and the shifting policy objectives concerning intervention in family life, the very concept of family has also gained ambiguity. Over time, family policy has abandoned its goal to provide legal and social protection for the institutional family form, and has begun to concentrate on supporting family functions (Wingen, 1997).

In this article, family policy will be understood as a package of public policy measures, or instruments, articulated to varying degrees, that aim to define family ties and to protect and/or replace the social functions performed through family life. Family policy then implies a set of policy objectives, as well as certain values in relation to family life, serving to legitimate public intervention. Depending on how articulated values, objectives, and measures are, family policy will be defined more or less clearly. Following Kamerman and Kahn (1978), we will use explicit and implicit family policy concepts to refer to different degrees of articulation of such measures or instruments.

It has become common to view family policy in terms of three main dimensions (Kamerman & Kahn, 1978; Kaufmann, Herlth & Strohmaier, 1982; Wingen, 1997; Zimmerman, 1988). The first dimension concerns the legal definition of the establishment and dissolution of family ties as well as of the rights and obligations of the different actors as role incumbents, mainly endorsed in family law, but also in other areas like labor law. The second dimension concerns economic intervention, meaning income transfers aimed at compensating to some extent the costs deriving from certain family obligations, typically child rearing. The third dimension concerns intervention through services with the aim of

improving families' social milieu, by supplying resources or enhancing competencies that facilitate or make it possible for families to function. Because space is limited, this article focuses mainly on the first two dimensions.

### ***THE CHURCH, THE STATE AND THE FAMILY IN THE 1930s***

Family policy, in the sense of an articulated set of measures for redistributing income in favor of families, was born in Spain with the establishment of General Franco's dictatorship (1939-1975). One of the basic ideological foundations of this dictatorship was the "recognition, exaltation, and protection of the family as society's original cell," "the basis of society . . . endowed with inalienable rights" (Girón de Velasco, 1951, p. 8, 15). A wide range of instruments were developed for this purpose. These instruments, accompanied by a radical reform in family law, marked the social policy of the new State with a profound family orientation. In fact, Franco's dictatorship presented itself as the solution to the (Christian) "family crisis" postulated by right-wing ideological positions. This crisis of "the family" was also considered, according to conservative social theory (Cicchelli-Pugeault & Cicchelli, 1998), to be at the very root of the social crisis that brought about the civil war (1936-1939).

The causes of the family crisis were attributed, first, to the reform in family legislation that was undertaken after the downfall of the monarchy and the establishment of the Second Republic (1931). In effect, as a result of the new Republican Constitution, which introduced a clear separation between Church and State, family law as a whole was completely removed from ecclesiastical legislation. At the same time, profound legislative reform was undertaken, establishing obligatory civil marriage, the possibility of divorce by mutual consent, the equality of spouses, the equality of children born within wedlock and those born outside of wedlock, as well as the regulation of legal abortion (Alberdi, 1978; Campo, 1995; Iglesias de Ussel, 1998). With these changes, republican family legislation was, in many aspects (such as divorce by mutual consent or the regulation of abortion), more than three decades ahead of the reforms in family law in many western European countries.

The price of this advancement, though, was that it outdistanced social reality at that moment (Alberdi, 1978). The immense majority of the population did not actually live according to these principles and this cost the Republic a radical confrontation with the Catholic Church and

with the political parties and social groups under its influence (Iglesias de Ussel, 1998). In fact, the Church considered these reforms, as well as others meant to limit its enormous political and social influence, as a direct attack, and it responded with verbal virulence, social mobilization, and explicit support from the majority sector for the forces that rose up against the Second Republic and unchained the civil war (1936-1939).

Although the crisis of the family was blamed on the Second Republic's family legislation, the deepest roots of the (Christian) "family crisis" were actually attributed to liberalism, in its economic, social, and political aspects. This criticism came from within the general framework of the Catholic Church's social doctrine. The most evident manifestations of this crisis were, it was affirmed, the drop in the birthrate on one hand (which became systematic at the start of the 20th century as a result of the beginning of the demographic transition), and increases in mothers' paid work, on the other. From this perspective, married women's paid work undermined the family's functionality, forcing the mother to abandon the care of her home, of her children, and of her spouse, and so renouncing her educational and socializing functions (Aznar, 1932; Jordana de Pozas, 1938).

Within the context of the Catholic Church's traditional criticism of liberalism, the deepest cause of the working family's "crisis," and the reasons for women taking outside jobs, was to be found, above all, in the commodification of work, that is to say, in salaries being set uniquely and exclusively according to the supply and demand dynamics of the labor market, foregoing any consideration of the worker's family situation. This argument essentially states that, given the fluctuations in the labor market and the low level of salaries imposed by market dynamics, the conversion of work into a commodity eroded the family institution's stability by not providing sufficient material resources and by forcing women into paid work, thus causing a lower birthrate. The solution advocated by certain Catholic sectors, supported by different encyclicals and by the evolution of Social Security policies in France, Belgium, and Italy, was the controversial idea of the "family salary." In Spain, this idea was defended by Social Catholics, and taken up also by the Falange, one of the principal political groups Franco used to support his fight for power. The Social Catholics conceived the idea of the "family salary" as being achieved through the establishment of social insurance for family responsibilities (Aznar, 1947), financed by workers and employers. The Falangists, however, considered that it would best be achieved by bonuses financed from compensation funds established by

the companies (Arrese, 1940), as had been done during the 1920s in some industrial sectors in Germany, France and in Belgium.

The principal social forces that supported Franco's dictatorship also defended the need for an ideological crusade and a legal reform of family law in favor of the traditional family, as well as an active family policy that would actually make the idea of the family salary real. These same groups were the ones that, once the dictatorship was established (1939), would occupy the key positions to undertake the implementation of these ideas; the Social Catholics controlled the management organ of Social Security (the so-called National Institute of Prevision—*Instituto Nacional de Previsión*) and the Falangists controlled the Ministry of Work, in charge of regulating the labor market.

The international reference for family policy's emergence in Spain was, accordingly, the developments then taking place in Europe, particularly in France, Belgium, and Italy. Its conceptual reference framework was the so-called "social question," that is, preoccupation with workers' living conditions and their consequences for the established order as interpreted by the social Catholic doctrine and the Falange. The implantation of a large-scale family policy after the civil war was not, then, a simple diffusion of international developments in the area of social insurance. It was, rather, "an act of ideological affirmation," as the preamble to Family Subsidies law stated, because classic social insurances (sickness, retirement, and injuries) had hardly been developed at all when the first family policy instruments were established (Cruz Roche, 1984). The main initial motivation for family policy was compensatory and was destined more to avoid poverty derived from the existence of family obligations than to promote fertility (Meil, 1995). It was argued that a higher birthrate was a consequence of families' higher standards of living, but not its source of legitimacy (Aznar, 1947). The demographic motivation afterwards eclipsed the initial compensatory motivation, at times acquiring greater rhetorical dominance and even creating different benefits specifically destined to reward higher birthrates.

### ***FAMILY POLICY AS INCOME POLICY, 1940-1959***

The end of the civil war and the establishment of General Franco's dictatorship (1939-1975) meant the annulment of all republican family legislation and the restoration of ecclesiastic law's primacy in these matters, with the new State expressly declaring itself Catholic (*Iglesias*

de Ussel, 1998). Equality between legitimate and illegitimate children was annulled, and contraceptives, as well as adultery and non-matrimonial cohabitation, were penalized (Alberdi, 1995). Obstacles were put in the way of women who wished to work (especially married women). Co-education was prohibited, large families were encouraged, and religious marriage was made obligatory for people who were baptized. The Church was made competent to judge separations and matrimonial annulments, and inequality of rights according to sex was reinstated. While the majority of these counter-reforms were justified by Catholic doctrine concerning the family, naturalist-type arguments were also cited to legitimate the reestablishment of the patriarchy. Following this line, the Law of April 24, 1958 affirms that (the family) "requires a directing power that Nature, Religion, and History attribute to the husband." Parallel to these legislative reforms, an active family policy and a propaganda campaign in favor of the traditional family and, in particular, the large family, were promoted.

The first instrument that embodied this active family policy was the social insurance called Family Subsidies (1938). These subsidies gave family allowances for dependent children (up to 14 years of age) from the second child on, varying according to rank, and, starting in 1941, included short-term widow's pensions and orphan's pensions for families without resources. Financing this social insurance fell mainly to the employers; farmers and self-employed were excluded from coverage. During the decade of the 1940s, these benefits, destined to make the "family salary" a reality, within the framework of an explicit pro-natalist and pro-marriage policy, were enacted with other complementary measures addressed to newlyweds and large families (Campo, 1974). Along this line, the 1943 Large Family law established a 10% additional supplement in family subsidies for families with 4 to 7 children and a 20% supplement for families with more than 7 children. In addition, high tax reductions benefited large families with higher incomes, with more reductions the higher the income. It is true, though, that the Spanish Ministry of Finance's capacity to collect income taxes was very limited until the 1980s; this resulted in widespread tax evasion. This law also conceded to large families preferential treatment in the areas of education, transportation, housing, and employment. Together with this law, 1941 saw the introduction of prizes for the families with the greatest number of children. This measure had a purely propagandistic component because, apart from benefiting very few families and being a one-time prize, these prizes were often given by General Franco himself and were widely publicized by the media. These prizes continued until democ-

racy was re-established in 1976. To promote marriage, given the enormous difficulties of forming an independent family after the war (housing and food were very scarce), marriage loans were also introduced. These were awarded to couples with low incomes and could be repaid by having children. There were also one-time subsidies for each child born.

This whole set of instruments was inspired by the evolution of family policy in France, Belgium, and Italy (Hoffnes, 1940; Meil, 1995). Except for the prizes for large families, the rest of these benefits existed, with more or less intensity, in these countries. Nevertheless, we must point out one difference: family allowances came into being in Spain directly as social insurance, not as an integral part of collective bargaining between employers and unions, as happened in these other countries. This was basically because the dictatorship did not allow collective bargaining. The family subsidy was, however, always conceptually linked to paid work, which together constituted the "family salary." The object to be protected was, as in the other countries, the traditional family, promoting women's remaining at home to care for the children and relatives who lived with and were dependent upon the person insured.

Given the absence of a re-evaluation of these benefits according to the loss of buying power and the high inflation registered in Spain during the post-war years, these benefits soon lost their compensatory capacity. In the political context of the moment, union organizations defending workers' interests were prohibited and severely punished and the government set salaries by ministerial orders with almost no adjustment for inflation, which led to the erosion of salaries. To deal with this, the Labor Ministry established a second income-transfer instrument called the family bonus (*Plus familiar*) (Rull Savater, 1974a). The "family bonus" consisted of the distribution of a family fund among each company's workers, according to amount of family obligations (wife and number of dependent children). This family fund came from the resources generated by applying a certain percentage to the volume of real wages paid in each company and was financed almost wholly by the employers. The percentage to be applied to the salaries varied from one productive sector to another, as well as through time. In the 1940s, the percentages varied between 5% and 20% (Toharia, 1943, p. 813), with 15% being the most frequent figure, while from 1954 on the most frequent figure was 25% (Blanco, 1964, p. 340). Family obligations were translated into points through a legally established scale (which gave greater value to more children). The value of a point was then obtained by dividing the total volume of the fund by the number of points accu-

mulated by the company's staff. Each worker received a bonus for family obligations (called the "Plus") according to the number of points he could accredit and the value of each point at that moment; this last was dependent upon the percentage applied as well as the family obligations of the company's total workforce.

The introduction of this bonus was justified in terms of reinforcing the family salary, as interpreted by the Falangists, in spite of the fact that the establishment of the family subsidy, as we have seen, already embodied the idea of the family salary. The implementation of the bonus was really, however, a cheap method, consistent with the regime's ideological position, for selectively raising salaries that were otherwise subject to an iron-handed control, being legally regulated through work regulations, in a context of rapid price growth. The family salary constituted, therefore, a mechanism destined to facilitate a rapid accumulation of capital, keeping individuals' salaries down and compensating the loss of buying power by partially socializing salaries. Family policy during this stage can be depicted as a large-scale policy to fight, or rather to limit, poverty, with strong regressive components (Meil, 1995).

These family allowances represented about two thirds of the income redistributed by Social Security during the 1940s. During the 1950s, this proportion decreased as the other types of social insurance matured, reaching little more than 50% at the beginning of the 1960s. In terms of gross domestic product (GDP), and including the estimates on the volume of resources redistributed by the Family Bonus, family allowances represented between 3% and 2.5% of the GDP. This proportion doubled the amount allocated to public health and situated Spain, in the 1950s, among the countries that redistributed the most income according to family criteria (Bikkal, 1954; Rull Savater, 1974a).

The impact on families' disposable income was quite varied, due as much to the heterogeneity of the instruments applied as to the fact that this protection was basically directed only to salaried workers. This left out self-employed workers and a great many farmers, in a country with a large farming population (50% of the labor force was working in the agriculture at the beginning of the 1950s). The degree of coverage was, consequently, limited; in 1950, only 49% under the age of 14 were beneficiaries of the subsidies for dependent children. Among the salaried workers with family obligations, the importance of family allowances for the family's disposable income depended, in turn, on whether or not the worker had the right to receive the Family Bonus; the principal groups excluded from this bonus were salaried agricultural workers and

public employees. In the 1950s, among those who did not receive the Family Bonus, the benefits for a family with three children were only 8% of per capita income and only became a significant amount (between 90% and 130% depending on the year) for a very large family (10 or more children). Among those who did receive the Family Bonus, a worker with average earnings, a wife, and three dependent children, received an increase in his income equivalent to 50% to 70% of his base salary (which was, during those years, at about the level of per capita income) (Alonso Olea, 1953, 1954, 1956).

### ***THE RATIONALIZATION OF FAMILY POLICY, 1963-1975***

Economic stagnation and economic and tax crises, along with the social discontent generated by the restrictive social and economic policy practiced by the dictatorship, all brought about the questioning of the model of economic growth established after the war. This questioning was settled by re-balancing the power within the groups that supported the dictatorship and by an in-depth reform of the State's intervention in the economy (Ros Hombravella, Clavera, Esteban, Monés & Montserrat, 1973). As far as family policy goes, its reform took place in the context of an in-depth reform of the Social Security system. The objective of this general reform was to integrate the heterogeneous set of social insurances established during the 1940s and 1950s. Many of these insurances duplicated one another and gave very different degrees of protection according to the influence of the different power groups, and the purpose was to form a coherent universalistic system with no duplications and no preferred clientele (Cruz Roche, 1984). Spain's model of economic growth continued, nevertheless, to be based upon a policy of low salary costs and low levels of social protection that would attract labor-intensive foreign investments.

Within this framework, this period's reorientation of family policy constitutes a rationalization of family social protection by making it compatible with the functional principles and requisites of a market economy. To understand this reorientation, we must look at it in the wider framework of the institutional reforms carried out to dismantle the bases on which the unsuccessful model of economic and social development had been founded and to establish the necessary foundations for developing capitalism in Spain.

This reform essentially involved the suppression of the Family Bonus Regime, because of its distorting effects on the relation between

work rendered and remuneration received. It also involved the reform of family subsidies, raising and standardizing the allowances for dependent children and eliminating subsidies for the insured person's economically dependent cohabiting relatives. With this reform, family allowances were aimed only at the conjugal (nuclear) family (wife and dependent children), leaving the other members of the kinship network outside of coverage. At the same time, retirement pensions were increased with wider coverage, with the introduction of entitlement to pensions for widows, orphans, and for economically dependent relatives (del Peso, 1967). The model of the conjugal family that was protected continued to be the traditional family, with the woman's place being at home caring for the members of her family.

The family policy instruments that were implemented and in effect until 1991 were periodic allowances for dependent spouses and children. The allowances for dependent children were equal for all beneficiaries, regardless of the company in which the insured person worked (200 pesetas monthly, 11% of the 1963 minimum wage, raised to 250 in 1971, 6% of the minimum wage), although the effect of the law protecting large families was to give these families higher allowances. But this aid did not benefit all insured individuals. Since it was still conceived more implicitly than explicitly to be a family salary, only salaried workers were acknowledged, leaving self-employed workers in all sectors unprotected (Rull Savater, 1974b). There was no real universal protection for dependent children, in accordance with the principle of "equal protection for equal family responsibility" that the law sought to introduce. The allowance for a dependent spouse (wife or incapacitated husband) was reformed according to the same criteria, presenting, therefore, similar coverage problems. The amount of this allowance was set at 300 pesetas per month (17% of the 1963 minimum wage), that is to say, 50% more than the allowance per dependent child. This quantity was raised to 375 pesetas in 1971 (9% of the minimum wage). As this benefit was collected whether the couple had children or not, in reality the family social protection system prioritized women's remaining at home. The allowances for marriage and for children's births were also adapted to the new system, standardizing them and establishing the amounts of 5,000 and 2,500 pesetas (2.8 and 1.4 times the 1963 monthly minimum wage) respectively (6,000 and 3,000 pesetas from 1971 onwards, representing 1.5 and 0.75 times the monthly minimum wage). On the other hand, the prizes for large families were not affected by the reform and continued to be held yearly until the transition to democracy (Meil & Iglesias de Ussel, 2001).

The reform of family policy reduced the volume of social resources designed to compensate for family obligations, despite the greater coverage attained by the new system and the substantial improvement it meant for the people who had not benefited from the Family Bonus system. This relative loss of importance was due partly to the expansion of the other branches of Social Security, particularly of health benefits and retirement benefits in a strongly inflationary context. One exception occurred in 1971, when these benefits were brought up to date with inflation, but the effect was quickly neutralized by the acceleration of the inflationary process. On the other hand, the spectacular economic growth during this period situated Spain among the group of developed industrial societies during the 1970s. Social Security's economic benefits for family support decreased from values close to 3% of the GDP at the beginning of the 1960s to around 1% halfway through the 1970s, while the value fluctuated around 2.5% in Belgium and around 2.7% in France during the same period, showing no similar trend (Meil & Iglesias de Ussel, 2001).

As a consequence of the increase in disposable income derived from the spectacular economic growth during the 1960s, and the absence of re-evaluations for inflation, family benefits kept losing importance in family economies. Consequently, in the mid-1950s a family with three children could obtain family supplements representing two-thirds of the per capita income or average wage, while one decade later these supplements were less than one-third of the per capita income. By the 1970s they were less than 10% of the average wage. In comparison with other European Union countries, Spain was one of the countries that redistributed a greater volume of income according to family criteria in the decade of the 1950s and most of the 1960s. By the mid-1970s, however, Spain was among the countries that earmarked a rather scanty amount of income for public compensation for family obligations, in spite of the fact that this public compensation continued to hold a prominent place in political rhetoric. (See Table 1.)

***POLITICAL DEMOCRATIZATION  
AND THE TRANSFORMATION  
OF FAMILY POLICY, 1976-1995***

***Modernization of Family Law***

In 1975, General Franco's death paved the way for a modern democracy, which brought about profound changes at all levels of social and

TABLE 1. Social Security Expenditure in the Function of Family in Some European States as a Percentage of GDP, 1955-1974

	AU	BE	DK	FR	GE	IR	IT	NL	NO	SW	UK	SP
1955	1.4	1.8	0.6	3.4	0.2	1.1	2.2	1.4	0.5	1.1	0.6	2.7*
1960	1.4	2.1	0.4	3.0	0.3	1.2	2.1	1.5	0.6	1.4	n.d.	2.8
1965	2.0	2.5	1.0	2.9	0.4	1.1	1.8	2.0	0.5	1.2	0.5	2.6
1970	1.9	2.8	1.1	n.d.	0.6	1.0	1.4	2.0	1.5	0.9	0.8	1.6
1974	1.6	2.6	1.2	2.7	0.4	1.3	1.7	1.9	1.0	1.2	0.5	1.2

n.d.: non disposable; \*1958

Key: AU = Austria, BE = Belgium, DK = Denmark, FR = France, GE = Germany, IR = Ireland, IT = Italy, NL = The Netherlands, NO = Norway, SW = Sweden, UK = United Kingdom, SP = Spain. Source: Own calculations based on Banco de Bilbao (1979), Banco de España (1979), and Flora (1983).

political life, including family policy and other aspects highly relevant for family formation. The first big change in family policy took place with the establishment of a new democratic Constitutional Law in 1978, which established the lay character of the State. This meant that civil marriage was no longer considered to have less status than religious (Catholic) marriage, and that citizens could choose the form of their marriage according to their religious beliefs.

The Constitution also shaped a new marriage model based on the equality of the spouses' rights and obligations and the spouses' full autonomy, subject, nevertheless, to the family's common interests. Thus woman's traditional legal subordination to man was eliminated. In addition, the Constitution radically changed the relationship between parents and children, first by making children born in wedlock and children born out of wedlock equivalent and proclaiming their equality of rights with respect to their parents, and, second, by establishing that paternal authority corresponded to both progenitors together (Alberdi, 1995; Campo, 1995; Picontó-Navales, 1997).

The 1981 Civil Code reform (laws 11/81 and 30/81), besides reforming family law according to constitutional precepts, once again regulated divorce. Given the social controversy that the reintroduction of divorce caused in its day, and attending to pressure from anti-divorce groups headed by the Catholic Church (Iglesias de Ussel, 1998), a two-step divorce procedure was enacted. Legal separation was the first step to divorce; couples or individuals who wanted to divorce had to go through two legal processes, with corresponding emotional and eco-

nomics costs. As a consequence many couples separated without following through on the divorce.

Other legal changes included eliminating penalties for non-matrimonial sexual relations, and lifting the prohibition on selling birth control devices. Unlike the situation in the 1930s, all these changes occurred without raising important conflicts or tensions in society (Iglesias de Ussel, 1994).

### *The Evaporation of Economic Protection for the Family*

Although the 1978 Constitution established the government's obligation to protect the family, the buying power of these benefits "evaporated." These benefits were not re-evaluated to keep up with inflation in a strongly inflationary context, nor was there any eagerness to modify the instruments inherited from the previous period to adapt them to the new family reality that was emerging. One exception to this was the prizes for large families, which the first democratic government abolished. Other social problems like the very low amount of public pensions and the rapidly increasing levels of unemployment, together with rapidly growing social expenditures and growing fiscal deficit, came to the forefront of the political arena.

The lack of adaptation of the earlier family policy instruments to the new family reality was regularly criticized during the successive Social Security reform attempts that followed one another during the democratic transition. This criticism centered especially on allowances for dependent wives, marriage, and births, which were considered inadequate to the new family reality. In spite of this criticism, however, the political incapacity to go ahead with reform of Social Security, given the weakness of the first democratic governments, prevented approval for new allocations. This situation was not resolved until the Socialist party (PSOE) achieved an absolute majority in Parliament in 1982, when the 1985 Social Security Reform Law (Law 26/1985) was approved. During the period 1975-1985, the matter of updating family benefits was raised in Parliament on many occasions, but these proposals were systematically denied or simply ignored by the government, without generating controversy (Meil & Iglesias de Ussel, 2001). Thus, the essence of family policy dissipated with inflation. This absence of a political will to protect the family economically can also be seen in the income tax treatment of the family.

The combined effect of Social Security benefits and tax deductions for family reasons are hardly noticeable in families' disposable

income. Thus, during the whole decade of the 1980s and the greater part of the 1990s, the difference in disposable income after taxes and family transfers of an average-income wage-earner with a wife and two dependent children, compared to a wage-earner with equal income but no family obligations, was only between 5% and 6% of the gross salary. So a single worker with no children and with an average income had the use of 82.7% of his gross salary in 1991, while a worker with a wife and two dependent children and an equal salary had the use of 87.8%. These percentages varied very little during the period under consideration. Compared to other central and northern European Union countries, the tax treatment of earned income in Spain was characterized by a relatively low tax burden for workers with no family obligations as well as for those with family obligations; public compensation of family obligations was, therefore, very low (Meil, 1994).

#### ***The Transformation of the Economic Protection of the Family into Means-Tested Benefits***

Parallel to this “evaporation” of the family’s economic protection, a concept of social solidarity developed that put special emphasis on guaranteeing an existential minimum to under-protected groups. In these cases, the family situation became an important criterion for defining access to a greater degree of protection. This consideration of family situation as a qualifier for access to aid benefits was introduced first in unemployment benefits (1980), later in retirement benefits (1983), in mean-tested social salaries established in the Regions (starting in the second half of the 1980s), and finally in the area of family allowances (1985 and 1990). The objective of increases in pension was to guarantee a vital minimum for married pensioners, as well as to make economic independence with respect to their children’s generation possible. This is, then, an implicit family policy of promoting residential independence for the different generations, in accordance with prevailing family values.

After 1990 benefits for dependent children became recognized for all families with a yearly income under a yearly established threshold (one million pesetas, or 56% of the average wage in 1991, plus a 15% for every child after the first), independently of whether or not they are in the Social Security system; when handicapped persons are involved, there is no upper income limit. The families with dependent children receive an allowance when their children are under 18 years of age or if they are

older children with disabilities. The greater the disability, the larger the allowance. The amount of the allowance for children under 18 was set at 36,000 pesetas yearly (5% of the minimum wage or 2% of the average wage); this quantity doubles if there is a 33% or higher handicap. These allowances were not adapted on a yearly basis to the rhythm of inflation until the year 2000. This exemplifies once more the reluctance towards increasing family protection.

### *The Emergence of the Reconciliation of Family and Working Life*

Following the deep political and social changes after democracy, and in the context of the growing influence of European Union developments as well as the institutionalization of feminism (Valiente, 1996), both an equal opportunity policy and a non-discrimination policy regarding gender emerged. Within the framework of these developments, a new sensibility emerged regarding the social costs of maternity, and new instruments additional to maternity leave were introduced. This later evolved into a policy of promoting work-life balance. This type of policy is understood to be the articulation of several instruments aimed at facilitating time for child rearing while maintaining one's labor market involvement.

The first measures that go beyond maternity leave date from 1980 when legal regulation of the job market was undertaken in order to adapt it to constitutional imperatives (López, 1996). This reform consisted of several measures. The first was an extension of maternity leave (from 12 to 14 weeks, with a substitution salary equivalent to sick leave, that is, 75% of the salary). Another measure was the establishment of the possibility of reducing the workday because of maternity from one-half to one-third with no economic compensation. Other measures included the reduction of the workday by one hour for nursing, and the introduction of a one year parental leave for maternity reasons, with no economic compensation and without holding the job open. Except for maternity leave, men as well as women could opt for these measures. The women, however, were the ones who, given traditional family role definitions, probably ended up benefiting most from these possibilities. However, they also had to take on the costs that using these benefits implied (reduced income, risk of losing the job, and lower social benefits, among others).

Since 1980, the leave legislation has been modified on three occasions, in 1989, 1995, and 1999, mostly as a consequence of recommendations or directives from the European Union. Coverage was extended

in 1989, by including leave for adopted or foster children, by extending maternity leave to 16 weeks and lengthening parental leave up to three years. In 1999, coverage was extended by establishing the possibility of requesting one year leaves to care for relatives who, due to age or illness, cannot care for themselves and do not carry out any paid economic activity. Fathers were also given the possibility of taking up to four weeks of maternity leave.

Job guarantees after leave were strengthened in 1989, when the right to have one's job reserved during the first year of leave was established, and since 1995, when the reservation was extended to 3 years. In 1999, dismissal because of maternity was prohibited. Partial reduction of the costs derived from using leaves, for the worker as well as for the employer, occurred first in 1995, when maternity insurance was shaped as an aspect of Social Security, with a right to a substitution salary of 100%, instead of the previous 75%, with more flexible qualifying conditions (180 days of Social Security contributions in the previous 5 years). The costs of leaves for workers were also reduced by counting the first year of parental leave for seniority and Social Security benefits. The costs for the companies were reduced, starting in 1999, by exonerating companies from social benefit costs for substitution contracts (temporary employment) for workers on leave for childcare. Starting in 2002, this was also extended to the substitutions for workers on leave caring for relatives (López & Valiño, 2004).

This leave policy was accompanied by advancing the school entrance age for children to three years of age in the 1990 education reform. The motives for advancing the school entrance age, however, had nothing to do with the policy of promoting the reconciliation of family life and work life, but rather with the objectives of education policy. So although the age for mandatory entrance into school is still six years of age, the public authorities are obliged to provide educational openings, independent of the parents' work status, for all children three and over if parents request this. The consequence of this policy has been the generalized entrance into school of children between 3 and 6 years of age, going from 71% in 1988 to 97% in 2005. As for children up to two years of age, the 1990 education reform has also defined this as an educational period. As a result, the private nursery school services on the market have been forced to undergo a reform to become infant schools, with educational projects and quality requirements in line with the European Union's recommendations, but without becoming part of the public education system. Today, many have still not met such requirements. In fact, the supply of public services or publicly subsidized services for the

0-2 year age group is very low, with the rate of schooling in this type of center at 13.5% in 2005.

The work-family reconciliation policy that has, little by little, been designed in Spain has consisted, therefore, of facilitating more time for taking on family responsibilities while trying to guarantee job security. This has been done through legal instruments as well as incentives for companies, but always privatizing the costs derived from the options in favor of family care. The idea that those who care for children or relatives are providing something of value to society and thus should be publicly compensated, has not formed part of the evaluation of social reality considered when designing social policy. One example in particular will serve to illustrate this fact. Between 1994 and 1998, part of the costs derived from placing children under three years of age in private daycare centers could be deducted from income tax, but before and after these dates, this type of expense is not considered necessary tax-wise in order to obtain earned income and therefore is not deductible.

Of the benefits available, most used is paid maternity leave, with only 2.5% of men taking a portion of this (Instituto de la Mujer, 2005) and most having no intention to use it (Eurobarometer, 2004). Taking unpaid parental leave, on the contrary, is infrequent. According to a survey done in 2004, the proportion of working parents who have ever used parental leave is 2.4% (3.1% of the mothers and 1.4% of the fathers) while those who reduced their working time was 7.4% (8.8% of the mothers and 5.8% of the fathers) (Instituto de la Mujer, 2005). The majority of families resort to informal services, especially family members (specifically grandmothers) to solve the problems of reconciling family life and work life (Tobío, 2005).

#### ***NEW SENSITIVITIES TOWARD LOW FERTILITY AND FAMILY CHANGE (1995-2005)***

With the conservative party's arrival in government in 1995 (1995-2004), there has been a timid reorientation of family policy, framed in an increasing sensibility toward the potential costs derived from low fertility. This change in attitude shows itself first in public declarations and political speeches. Parliament officially declared itself to be in favor of the preparation of an "Integral Support Plan" for the family in 1997, but the government did not launch the Plan until 2001. Even the opposition socialist party has shown the same change of attitude, once new leaders stopped identifying social protection for the

family with conservatism. It is no longer politically incorrect to speak of family policy in terms of the government's explicit commitment to facilitate families' decisions to take on family responsibilities (to have children or to care for disabled members), by partially compensating the personal costs incurred from these options.

The materialization of this new sensitivity does, however, have its lights and large shadows. On one hand, tax treatment of the family improved. As a consequence of the reform, the disposable income of an average income family with two dependent children increased to an after-tax amount of 95% of the gross income, compared to 90% under previous legislation. The family's disposable income went up 5 percentage points, compared to an improvement of only 2 percentage points for a single person, a difference which roughly persists in the present. On the other hand, the direct Social Security allowances, assigned almost exclusively since 1991 to those families under the income threshold to pay income tax, have been brought up to date with inflation only once, in 2000. Their low amounts (2.3% of a worker's average wage in 1991 and 2.2% in 2000) have not been increased, even though they are meant for "poor" families. In 2000, a new one-time allowance for low-income families was introduced for the birth of third and successive children, equivalent to 3.4% of a worker's average wage in 2000. In 2000, exceptional one-time payment allowances were also introduced for families with multiple births. The last new allowance introduced in 2003, amounting to 1200 euros a year, is paid only to working women until a child reaches age three (provided the working mother pays social security fees over this amount, otherwise it is reduced accordingly). The aim is to compensate for the (undefined) costs working women have to bear when they have to reconcile working and family life. Non-working mothers and mothers on parental leave after the sixteenth week are not entitled to such an allowance.

In general, there has been improvement in public compensation for family obligations, along with an improvement in the instruments for reconciling family life and work life. Although family benefits (excluding tax benefits) as a percentage of total social protection expenses grew from 1.7% in 1994 to 2.5% in 2002, the social protection of the family in Spain continues to be the lowest one in the EU (Abramovici, 2003). Perhaps the greatest change has been the explicit declaration of a family policy by the central government, which launched this policy at the end of 2001 within the framework of an Integral Support Plan for the Family (2001-2004), but without substantial improvements in the policy instruments themselves. This Plan superseded the Integral Support Plans for

the Family that some regions had designed during the second half of the 1990s, although these regional plans had great limitations.

Government change in 2004 brought the socialist party into power, whose policy program in family matters, despite the rhetoric of the challenges derived from low fertility, has been reoriented towards recognizing family change. This policy reorientation has taken the form of two legislative proposals concerning divorce and same sex marriage. The reform of the divorce proposal aims to facilitate divorce by reducing the two step process to one, allowing divorce without previous separation of the spouses as well as in cases when one spouse opposes it. Further, it introduces the possibility of shared custody of children. In the context of this reform, a State Guarantee Fund for the custody payments of divorced parents has been proposed, an old demand previously rejected by the ruling government on cost grounds. The reform of marriage law aims to introduce the right to marry to same sex couples on the same terms as heterosexual couples, with the same rights and obligations, including the right to adopt children as a couple.

### ***CONCLUSION***

The evolution of Spanish family policy is closely intertwined with the deep social, economic and political transformations that occurred during the 20th century. An explicit family policy was first established by the Dictatorship of General Franco at the end of the 1930s as an ideological affirmation of the so-called New State, a means of gaining social support. Its explicit objective was to reestablish the economic, legal as well as ideological foundations of the patriarchal family, which was considered the basis of the social order and hence of the Dictatorship. The contradictions that characterized its structure and functioning weren't resolved until the late 1950s when a new institutional framework was established to facilitate capitalist development. The adaptation of family policy to the requirements of a capitalist labor market didn't change the objective of supporting the patriarchal family, but its economic importance decreased with inflation during the rapid economic development of the 1960s.

The transition to democracy brought about a dramatic change in family policy. The legal regulation of family ties changed profoundly toward recognition of the pluralism of family forms and the equal treatment of all family members, although the idea of an explicit family policy lost its legitimacy since it was identified with support of the patri-

archal family and the social policy of the Dictatorship. Nevertheless, an implicit family policy evolved, as family status became an indicator of need in areas of social policy such as public pensions and social protection in cases of unemployment or poverty. Over time, family allowances lost their capacity to improve income and were redirected later to low-income families. By the late 1980s, family policy was seen only as a part of a social policy against poverty.

In parallel with this evolution, a new policy grew slowly to promote the reconciliation of family and working life, not as labor market policy to guarantee enough working population, as unemployment was always structurally high, but as a means to promote equal employment opportunities to men and women, in line with developments in other western countries. The instruments of this policy were designed to facilitate time for caring, but the costs of using parental leaves after maternity leave have been supported by families themselves. Concerns about very low fertility rates grew during the 1990s, awakening a new sensibility for the need to support care giving performed by families. Although this new sensibility is evident in the political arena and the media, little has been done so far to compensate individuals for the costs of assuming family responsibilities.

During the period covered by this article, family policy in Spain has evolved from support for the patriarchal family to the recognition of family pluralism and from the evolution of the family salary to a policy aimed to combat poverty and to promote the reconciliation of family and working life.

## REFERENCES

- Abramovici, G. (2003). Social protection: Cash family benefits in Europe. *Eurostat. Statistics in Focus*, theme 3-19/2003.
- Alberdi, I. (1978). *Historia y sociología del divorcio en España* [History and sociology of divorce in Spain]. Madrid, Spain: Centro de Investigaciones Sociológicas.
- Alberdi, I. (Ed.). (1995). *Informe sobre la situación de la familia en España* [Report on the social situation of the family in Spain]. Madrid, Spain: Ministerio de Asuntos Sociales.
- Alonso Olea, M. (1953). Salarios y Seguridad Social [Salaries and social security]. *Revista Iberoamericana de Seguridad Social* [Journal of Iberoamerican Social Security], 2, 225-271.
- Alonso Olea, M. (1954). Salarios y Seguridad Social, 1954 [Salaries and social security, 1954]. *Revista Iberoamericana de Seguridad Social*, 3, 442-475.
- Alonso Olea, M. (1956). Salarios y Seguridad Social, 1956 [Salaries and social security, 1956]. en *Revista Iberoamericana de Seguridad Social*, 2, 237-368.

- Arrese, J. L. (1940). *Obras completas* [Complete Works]. Madrid, Spain: Edit. Nacional.
- Aznar, S. (1932). *El seguro de maternidad* [Maternity insurance]. Madrid, Spain: Instituto Nacional de Previsión.
- Aznar, S. (1947). *Los seguros sociales* [Social insurance]. Madrid, Spain: Instituto de Estudios Políticos.
- Banco de Bilbao (1979). *Informe económico 1978* [Report on the economic situation 1978]. Madrid, Spain: Banco de Bilbao.
- Banco de España (1979). *Boletín estadístico* [Statistical Bulletin]. Madrid, Spain: Banco de España
- Bikkal, D. (1954). La seguridad social en España [Social security in Spain]. *Revista Iberoamericana de Seguridad Social*, 3, 409-452.
- Blanco, J.E. (1964). Planificación de la seguridad social española [Planning of Spanish Social Security]. Barcelona, Spain: Editorial Marte.
- Campo, S. del (1974). *La política demográfica en España* [Spanish demographic policy]. Madrid, Spain: Edicusa.
- Campo, S. del (1995). *Familias: Sociología y política* [Families: Sociology and politics]. Madrid, Spain: Editorial Universidad Complutense.
- Cicchelli-Pugeault, C. & Cicchelli, V. 1998. *Les théories sociologiques de la famille* [The sociological theories of the family]. Paris, France: La Decouverte.
- Cruz Roche, I. (1984). *Análisis económico de la Seguridad Social, 1972-1982* [Economic analysis of Social Security]. Madrid, Spain: Instituto de Estudios Laborales y de la Seguridad Social.
- Del Peso, C. (1967). *De la protección gremial al vigente sistema del Seguridad Social* [From the guild protection to the present Social Security system]. Madrid, Spain Hijos de E. Minuesa.
- Dumon, W. (1987). La politique familiale en Europe occidentale. Une réflexion sociologique [Family policy in western Europe. A sociological approach]. *L'Année sociologique* [Annual Review of Sociology], 37, 291-308.
- Eurobarometer (2004). European's attitudes to parental leave, *Special Eurobarometer 189*, wave 59.1. Brussels, Belgium: European Commission, Directorate-General Employment and Social Affairs
- Flora, P. (1983). *State, economy, and society in Western Europe 1815-1975*. Frankfurt, Germany: Campus Verlag.
- Girón de Velasco J.A. (1951). *Quince Años de política social dirigida por Franco* [Fifteen years social policy of Franco]. Madrid, Spain: Ediciones O.I.D.
- Hoffnes, C. (1940). La legislación de los subsidios familiares durante los últimos años [Family subsidies legislation during the last years] *Revista de Trabajo* [Labor Journal], 2, 628-643.
- Iglesias de Ussel, J. (1994). La familia [The family]. In Fundación FOESSA (Ed.). *V Informe sociológico sobre la realidad social de España* [5th sociological report on the Spanish social situation] (pp. 415-547), Madrid, Spain: Euroamérica.
- Iglesias de Ussel, J. (1998). *La familia y el cambio político en España* [Family and political change in Spain]. Madrid, Spain: Tecnos.
- Instituto de la Mujer (2005). Estudio sobre la conciliación de la vida familiar y laboral: Situación actual, necesidades y demandas [Reconciliation of family and working life: Present situation, needs and demands]. Available: <http://www.mtas.es>

- Jordana de Pozas, L. (1938). *La política familiar del Nuevo Estado* [Family policy of the New State]. Santander, Spain: Aldus Artes Gráficas.
- Kamerman, S. & Kahn, A. (1978). Family policy as a field and perspective. In S. Kamerman & A. Kahn (Eds.). *Government and families in fourteen countries* (pp. 476-503). New York, NY: Columbia University Press.
- Kaufmann, F.X., Herlth, A., & Strohmaier, H.P. (1982). *Staatliche sozialpolitik und familie* [Social policy and the family]. München, Germany: Oldenbourg.
- López, I. (1996). Evolución en España de la normativa sobre los permisos parentales [The evolution of the legislation on parental leaves in Spain]. *Infancia y sociedad* [Childhood & society] 34-35, 313-320.
- López, M. T. & Valiño, A. (2004). *Conciliación de vida familiar y laboral* [Reconciliation of family and working life]. Madrid, Spain: Consejo Económico y Social.
- Meil, G. (1994). L'évolution de la politique familiale en Espagne: du salaire familial à la politique contre la pauvreté [The evolution of Spanish family policy: From family salary to a policy against poverty]. *Population*, 4-5, 959-998.
- Meil, G. (1995). La política familiar española durante el franquismo [Family policy during Franco's dictatorship]. *Revista Internacional de Sociología* [Internacional Journal of Sociology] 11, 47-87.
- Meil, G. & Iglesias de Ussel, J. (2001). La política familiar en España [Family policy in Spain]. Barcelona, Spain: Ariel.
- Picontó-Navales, T. (1997). Family law and family policy in Spain. In J. Kurczewski & M. MacClean (Eds.), *Family law and family policy in the New Europe* (pp. 109-127). Dartmouth, UK: Aldershot.
- Pitrou, A. (1994). *Les politiques familiales. Approches sociologiques*. [Policies towards the families. Sociological approaches]. Paris, France: Syros.
- Ros Hombravella, A.; Clavera, J.; Esteban, J.; Monés, M.A. & Montserrat, A. (1973). *Capitalismo español: De la autarquía a la estabilización (1939-1959)* [Spanish capitalism: From autocracy to stabilization, 1939-1959]. Madrid, Spain: Cuadernos para el Diálogo.
- Rull Savater, A. (1974a). La política social de España. Examen del pasado y perspectivas [Spanish social policy. Review of the past and future perspectives]. *Revista de Trabajo*, 46, 2-39.
- Rull Savater, A. (1974b). *Instituciones y economía de la Seguridad Social española* [Social security institutions and economy in Spain]. Madrid, Spain: Confederación española de Cajas de Ahorro.
- Tobío, C. (2005). *Madres que trabajan. Dilemas y estrategias* [Mothers who work. Dilemmas and strategies]. Madrid, Spain: Cátedra.
- Toharia, L. (1943). El plus de cargas familiares [The family bonus]. *Revista de Trabajo*, 8, 792-829.
- Valiente, C. (1996). Olvidando el pasado: la política familiar española, 1975-1996 [Forgetting the past: Spanish family policy, 1975-1996]. *Gestión y Análisis de Políticas Públicas* [Management and Analysis of Public Policies] 5-6, 156-161.
- Wingen, M. (1997). *Familienpolitik* [Family policy]. Stuttgart, Germany: Lucius & Lucius.
- Zimmerman, S. (1988). *Understanding family policy. Theoretical approaches*. Newbury Park, CA: Sage.

Copyright of *Marriage & Family Review* is the property of Haworth Press and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.