“The real legacy of the second transition is that it has revealed the hidden strengths of Spanish democracy. . . .”

Spain Remade, Again

OMAR G. ENCARNACIÓN

When terrorists struck Madrid on March 11, 2004, a spotlight shone on Spain like none had since Generalíssimo Francisco Franco’s 1975 death, which paved the way for the country’s return to democracy after four decades of autocratic rule. Muslim radicals, in an attack designed to maximize carnage and suffering, bombed commuter trains at Madrid’s Atocha station. Nearly 200 people were killed and over 1,700 were injured, making this act of terrorism the worst in Spanish history—worse than the 1987 bombing of a Barcelona supermarket by the Basque separatist organization ETA, an incident in which 21 were killed and 40 injured.

As dramatic as the violence was the 2004 attack’s political fallout. No longer could Spaniards live under the illusions that surrounded the “myth of Al Andalus,” according to which Spain was protected from Islamic terrorism because of its unique relationship to the Muslim world, a connection rooted in 800 years of Arab occupation of the Iberian Peninsula. Even more important, the Atocha bombings occasioned the fall of an incumbent conservative government that had been expected to prevail in a general election held just three days after the attack. A new Socialist administration was ushered in.

In the view of some, especially abroad, Spain bowed to terrorism when it changed political course. In reality, however, the electorate punished the government for its response to the Atocha attack. Prime Minister José María Aznar of the Popular Party (PP) attempted to pin responsibility for the violence on ETA. He hoped to convince the public that it was not his support for George W. Bush’s war in Iraq—a war opposed by more than 90 percent of the Spanish populace—that had made Spain a target of Islamic terrorists.

Aznar himself telephoned the nation’s leading newspapers and television stations to inform them that “ETA did it.” The ministry of foreign affairs ordered the country’s embassies and its United Nations representative to spread word of ETA culpability. On the day after the attack, a scheduled showing of the film *Shakespeare in Love* on state television was replaced by a documentary about ETA’s previous killings.

But in fact no evidence linked ETA to the Atocha attack—and plenty of clues indicated that Al Qaeda’s operatives in Spain were responsible. The Aznar administration thus opened itself to charges that it had attempted a cover-up. As a result, hundreds of thousands of Spaniards who would have sat out the elections, especially young people, voted after all.

The first action of the new Socialist administration was to effect a sharp turn in foreign policy. Within hours of his victory, incoming Prime Minister José Luis Rodríguez Zapatero declared his intention to withdraw Spain’s 1,300 troops from Iraq, arguing that “The Iraq War was a disaster, and the postwar occupation of Iraq an even bigger disaster.” Madrid’s retreat from Iraq was applauded in Paris and Berlin, capitals where Bush’s foreign policy had been opposed, but it unleashed Washington’s wrath. Zapatero was all but declared persona non grata there—he is the only major European leader never to have been hosted at Bush’s White House.

Yet it is Zapatero’s domestic program that is likely to define his political legacy. During his first term in office (2004–2008), Zapatero boldly reshaped Spanish politics and society through a “second transition.” This process, intended to improve the quality of democracy, expanded civil and political rights. It also confronted various issues that, left over from the “first” transition of

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the mid-1970s, retained the potential to destabilize the country.

ONCE MORE, WHILE REELING

On taking office in 2004, Zapatero wasted no time unveiling a vigorous and unabashedly liberal political agenda that made him the darling of the European left. His administration in its first 24 months abolished the practice of displaying religious symbols in public facilities like schools, courthouses, and jails. It shelved a law passed by the previous administration that called for compulsory religious instruction in public schools. It allowed abortions to be performed during the first 12 weeks of pregnancy. It liberalized divorce by introducing a "fast-track" model, according to which a two-year mandatory waiting period was reduced to just ten days. And it permitted stem cell research to be carried out on embryos created for fertility treatments but now unwanted. All this was prelude to a 2005 law that made Spain the first Catholic-majority country (and only the third country in Europe, after the Netherlands and Belgium) to institute same-sex marriage.

To inaugurate his second term in office, Zapatero unveiled Europe's first female-majority cabinet.

Zapatero, as a self-described "radical feminist," has put women's issues front and center in his policy making. To underscore his commitment to feminism, the incoming prime minister named women to half of his cabinet posts, the highest proportion in Europe. The posts included education, health, agriculture, housing, environment, and public works. Zapatero made violence against women his top priority (after countering terrorism), calling the phenomenon "Spain's worst shame and an unacceptable evil." Within hours of being sworn in, while visiting the survivors of the Atocha attack, he paid a hospital visit to a woman who had been beaten and burned by her husband.

The first bill that Zapatero sent to the Congress of Deputies was a controversial measure that imposed stiffer sentences on male perpetrators of domestic violence than on females. This new law was backed up by special courts established to deal with complaints from women claiming physical or psychological abuse. In addition, the number of police officers trained to deal with domestic violence was increased by 90 percent.

In 2006 the government enacted the Law of Dependency, which was designed to lighten some of the family burdens that fall mostly to females. It guarantees state assistance to senior citizens and to those afflicted with disabilities, including mental illness, through the provision of home care and day and night care centers. The government described this law, which it endowed with an investment of 12 billion euros, as "a fourth pillar of the welfare state," alongside existing government provisions in health care, education, and pensions.

A side benefit of the dependency law has been to provide employment for female immigrants, a significant portion of the approximately 1 million illegal immigrants who have benefited from Zapatero's amnesty program by proving that they are employed. A subsequent measure, the 2007 Law for Equality Between Women and Men, is intended to open up new opportunities for women in government and the business world. The law requires that at least 40 percent of parties' lists of candidates in national and local elections be female, and it affords preferential treatment to companies with the highest percentages of female executives. It also grants paternity leave of up to 3 weeks.

The prime minister has also treaded boldly into the treacherous waters of territorial politics. He opposed the "Ibarretxe plan" (passed by the Basque parliament in December 2004 and calling for Basque self-determination), arguing that it was unconstitutional. On the other hand, he endorsed an overhaul of Catalonia's autonomy charter with Madrid, inaugurating a new era in the devolution of power from the capital to the regions. Catalonia's new compact of regional governance (the so-called *Nou Estatut*) refers to the region as a "nation" rather than a "nationality." It contends that Catalonia's powers of self-government emanate from the Catalan people rather than the Spanish constitution, and it grants the region increased control over issues such as tax collection, immigration policy, and judicial affairs.

More controversial still has been Zapatero's effort to eradicate political violence, an enduring pathology in Spanish politics. Indeed, his attempt to negotiate with ETA backfired. On entering office, Zapatero issued ETA an invitation to talk, on the condition that the group's leaders agree to give up their armed struggle against the state. The offer violated Spain's long-standing policy of not entering into dialogue with organizations that espouse terrorism. This policy, in fact, had been at the heart of an antiterrorist pact in the late 1990s, a compromise the major parties had reached on how to handle ETA.

In the end, Zapatero's attempted negotiations with ETA appear only to have embarrassed the government and given the opposition an opening for attack. ETA, after agreeing in March 2006 to a cease-fire—a prerequisite for negotiations—renewed its terrorist campaign in December of the same year. It detonated a massive bomb at Madrid's Barajas airport, killing two Ecuadorian immigrants and causing considerable material damage.

Last but not least, Zapatero has moved to undo the *pacto del olvido* (pact of forgetting), the unwritten agreement forged by the political class after Franco's death, according to which bygones would be bygones. The pact resulted in a complete absence of "transitional justice" in post-Franco Spain, and the leaders of the old regime were spared trials and bureaucratic purges.

Zapatero's 2007 Law of Historical Memory represented a dramatic break with that approach. The law called for the Ministry of Justice to compile every claim of murder, torture, and abuse connected to the Spanish Civil War and the ensuing Francoist repression. It called for providing monetary compensation to victims of the Franco dictatorship, including those orphaned by the Civil War. And it called for Spanish citizenship to be extended to the children and grandchildren of Republican exiles.

Other aspects of the law made the government responsible for the exhumation of mass civil war graves (mostly of those fighting on the Republican side), and mandated the removal from public view of monuments that paid tribute to the memory of the old regime. This last stipulation seemed aimed at the Catholic Church: Many churches honor Nationalists who died during the Civil War—while pointedly ignoring those who perished on the Republican side—through use of the Francoist phrase *caídos por Dios y por España* (fallen for God and for Spain).

The new law, however, is not nearly as radical as some on the left would have wished. It protects the amnesty process enacted in 1977, which precludes the possibility that anyone associated with the old regime will ever face charges of crimes against humanity. In addition, the provision calling for the removal from public view of monuments to the old regime exempts those with "cultural" or "historical" significance. These provisions were designed to avoid an outright revolt from the right, but ultimately the law was approved with the vast majority of PP deputies voting against it.

NEW, IMPROVED SOCIALISM

Zapatero does not represent Spain's first experience in the post-Franco era with leadership by the Spanish Socialist Party (PSOE)—but the earlier experience had suggested very little about what would be in store under a Zapatero administration. Between 1982 and 1996 the PSOE, with some interruptions, governed Spain virtually as a one-party state. The administration of Prime Minister Felipe González introduced a modernizing agenda intended to consolidate democratic institutions and bring the country into the European fold. If the Socialist policies of that era angered any particular constituency, however, it was the left rather than the right.

González's decision to keep Spain within NATO, a betrayal of a promise made during the 1982 electoral campaign, went against the wishes of the majority of PSOE members, who overwhelmingly favored an outright withdrawal from the organization. The prime minister's embrace of market reforms, such as privatization of state enterprises, cut to the very heart of the economic interests of organized labor, historically the backbone of the PSOE's electoral support. And despite González's reformist zeal, he avoided confronting the right-wing political opposition, the Catholic Church, and the military. These actors must have found comfort in González's words in 1986 marking the fiftieth anniversary of the start of the Civil War: "The war is finally history and no longer present and alive in the reality of the country."

Two schools of thought dominate discussions of the second transition's origins. According to one school, the transition is a by-product of Zapatero's political philosophy, which his administration officially calls "citizens' socialism." This set of beliefs encompasses a broad interpretation of civil and political rights and a faith in the capacity of law and government to address past and present injustices.

Usually cited as the chief source of these beliefs is Zapatero's family background. His grandfather, Captain Juan Rodríguez Lozano, was shot by a Francoist firing squad for refusing to join the rebellion against the Republican government in 1936. Just before his execution Rodríguez Lozano wrote a letter to his family that Zapatero in his 2004 inaugural speech cited as the inspiration for his politics. The letter expresses "an infinite yearning for peace, love of good, and the betterment of those less fortunate."

Zapatero has also acknowledged that his civil rights policies are intellectually indebted to political theorists whose work shows a deep concern for justice, an active citizenry, and individual freedoms. Prominent among these is Philip Pettit, an Irish political theorist widely known as Zapatero's guru, who preaches a philosophy of "non-domination." This philosophy holds that no one should impose his or her will on the choices made by others, and that the law can be effectively employed to disperse power within society and to prevent the repression of women and minorities.

A second school of thought sees the second transition as the work of an adroit and calculating politician seeking to rebuild the political franchise of a discredited and moribund PSOE—a party that, as a result of the damage it sustained during González's last years in office, had suffered electoral defeats in 1996 and 2000. By the time of González's departure from office in 1996, the PSOE had become a byword for corruption, scandal, and even human rights abuses (it was revealed that party officials had secretly financed the creation of death squads to eradicate ETA).

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Zapatero, since gaining control of the PSOE in 2000 at the age of 40, has set out systematically to remake the party. He has purged its previous leadership. He has rebranded its political message to appeal to young voters, many of whom had abandoned the PSOE for the PP. And he has courted new constituencies such as feminists, environmentalists, and gays and lesbians—groups that the PSOE had traditionally ignored, if not shunned, in an effort to become a mainstream party.

That these groups played such a prominent role in the crafting of Zapatero's 2004 electoral platform, the blueprint for the second transition, is regarded by some as evidence that Zapatero felt in his heart that he had no hope of winning the 2004 election. That is, he decided to construct a kind of ideal Socialist project that probably would never be implemented but that might give the PSOE a much-needed boost of energy and eventually revive its electoral fortunes.

But another, less obvious perspective is this: Zapatero embodies a generational shift in Spain's political leadership. He is part of a new generation of "professional" left-wing leaders whose politics were not shaped either by the struggle against the Franco dictatorship or by the political exigencies of the democratic transition (such as the need to prevent polarization for fear of falling back into the divisive politics of the past). As such, Zapatero is neither traumatized by the political misfortunes of the past nor beholden to the political compromises of the first transition.

This view might shed light on some of the arguments that Zapatero has employed to justify his policies. During the 2004 campaign, he contended that a flaw existed in the democratic transition: *mucha concordia y poca memoria* (much agreement and little memory). This, he argued, made the new memory law necessary. More generally, Zapatero has argued that Spanish democracy is now strong enough to complete the democratization agenda left unfinished during the first transition, and thus the country can become more open and pluralistic. Only a few years ago, such criticism of the transition from Francoism to democracy would have been considered unacceptable for a member of the political mainstream.

DARK HINTS

Whatever its origins and intentions, Zapatero's second transition has had a profound political impact, attracting many adherents—but critics as well. The most common complaint is that the second transition has shattered the post-Franco culture of political consensus. This charge stems from the fact that Zapatero's social and cultural policies have been enacted without the support of the right-wing PP, and in the face of unusually harsh criticism from conservative forces in Spanish society like the Catholic Church and the military.

The introduction of same-sex marriage, for example, prompted the Archbishop of Madrid, Cardinal Antonio María Rouco Varela, to complain that Zapatero had "turned Madrid into Sodom and Gomorrah." Manuel Atencia, the PP's parliamentary spokesman, criticized the Law of Historical Memory as "unnecessary, hypocritical, legally irrelevant, a mistake." PP leaders also opposed Catalonia's new autonomy charter, which they viewed as "the first step toward Catalan independence." Two military leaders even suggested that they were ready to quell the Catalans' autonomy demands—though they were promptly relieved of duty. The PP blames Zapatero for having created *la crispación* (extreme tension)—that is, the most politically polarized environment since Franco's death.

Perhaps most inflammatory are right-wing comparisons of Zapatero's Spain to the interwar Second Republic. This controversial historical association—the divisive policies of the Republican era helped pave the way for the Spanish Civil War—is often accompanied by a not-too-thinly-veiled suggestion that Zapatero's policies could drive the country into another civil war.

The association also calls to mind the incendiary notion of the "two Spains," the view of Spain as a country cursed with two irreconcilable halves, historically one that is modern and liberal, the other traditional and conservative. "Zapatero is risking opening old wounds that can only destabilize the nation," notes an editorial from the right-wing daily *ABC*. "Zapatero is governing with half of Spain, but against the entire other half. That is risky," says Emilio Lamo de Espinoza of Real Instituto Elcano, a foreign policy think tank.

For Zapatero, left is right.

AFP Photo/Pierre-Philippe Marcou

These attacks on Zapatero carry a special sting, given that political compromise has been held sacrosanct in the post-Franco era and is often given credit for the country's stunning democratic transformation. For much of the past three decades, every important policy decision has been made in consultation between the governing party and its main opposition in the Congress of Deputies. This tradition began with the transition to democracy itself, which was negotiated between Francoist officials and representatives from the Communists and Socialists. But to say that Zapatero has violated some cardinal rule of Spanish politics is to overstate the case, if not to misrepresent it altogether.

To begin with, post-Francoist consensus is often exaggerated, in that observers overlook real policy disagreements such as those that developed between the PSOE and the first democratic administration, that of Adolfo Suárez (1977–1982), especially over the drafting of the new constitution. Similarly, real tensions between the right and the left were occasioned by the social policies of the González era, such as the legalization of abortion.

Consensus, moreover, has not suddenly become extinct in Spanish politics. On one important policy front—the economy—Zapatero has stuck to the program championed by the right. There has been little, if any, "economic socialism" under Zapatero.

Finally, those attacking Zapatero's "radicalism" conveniently ignore the damage that they themselves have inflicted on political harmony. Indeed, a powerful argument can be made that consensus in Spanish politics was destroyed by the PP just before the controversial 2004 elections. Aznar, emboldened during his second term in office (2000–2004) by an absolute parliamentary majority, tossed aside the moderation and pragmatism that had characterized his first term in office. In a radical attempt to reorient Spanish foreign policy away from the European Union and toward the United States, Aznar sent Spanish forces to Iraq without consulting the opposition, arguing that these troops were not going to be employed in combat but rather in postwar reconstruction.

On the domestic front, the PP embraced a program of "constitutional patriotism." This was a set of dogmatic policies intended to restore traditional Spanish conservatism, best expressed by a new educational curriculum that emphasized Catholic instruction and Spain's imperial greatness and that exalted symbols of Spanish territorial unity such as the monarchy and the national flag.

Once this program reached the Congress of Deputies, it had to be severely modified because of the criticism it faced from the left and from regionalist leaders in the Basque Country and Catalonia. The left objected to, among other things, the PP's attempt to "reinterpret" Spanish history by glossing over as "aberrations" the Spanish Civil War and the Franco regime. Regional leaders, whom the Aznar administration treated with uncommon indifference and outright hostility, saw the PP's new agenda as an attempt to undermine the hard-earned autonomy of Spain's historic regions.

Furthermore, since the 2004 elections, the PP's behavior has hardly been that of a loyal opposition. PP leaders, convinced that they were robbed of an electoral victory, have found it difficult to accept Zapatero as the legitimate leader. They have disgraced themselves with a series of personal attacks on the prime minister (their nickname for him says it all: Bambi), and they have mocked his political agenda as *buenismo* (indicating a foolish propensity to want to do good because of unrestrained political correctness).

During his first term in office, Zapatero boldly reshaped Spanish politics and society.

More serious are PP-instigated conspiracy theories intended to weaken the Zapatero government, such as the one that has left-leaning members of the Spanish national security forces leaving the country vulnerable to a terrorist attack around the time of the 2004 elections in order to facilitate a Socialist victory—or the one that has ETA assisting Morocco's secret services in carrying out terrorist attacks in Spain. These theories have continued to circulate in the right-wing daily *El Mundo* and on the radio network La Cope, even since a 2007 trial at which 24 people of Moroccan origin were convicted for the Atocha attack and any connection to ETA and the PSOE was ruled out.

A POST-MATERIAL WORLD

The real legacy of the second transition is that it has revealed the hidden strengths of Spanish democracy and its growing pluralism and tolerance of difference. The most obvious sign of this political potency is the PSOE's emergence, under Zapatero's leadership, as the standard bearer of "New Leftism" among Western Europe's Social Democratic parties. This has required, for the mainstream left, a transition away from traditional issues like increasing wages and deepening the welfare state and toward so-called "post-material" issues like feminism, multiculturalism, gay rights, and environmentalism.

That this political transition has been staged so dramatically in Spain—a country where until the mid-1970s women could not get a driver's license or a passport, or open a bank account, without the written consent of their husbands or fathers, and where gay organizations were banned until the early 1980s—is nothing short of remarkable.

Another aspect of the second transition's legacy is the relative ease with which the general public has embraced it. For all of the claims of radicalism that have been thrown at Zapatero, the public has supported his social and cultural policies. In fact, on many of the issues that the right has cited to cast Zapatero as a radical out to destroy the social fabric of Spain, he has followed rather than led the public. According to a 2005 poll by the newspaper *El País*, two out of three Spaniards favored same-sex marriages, making the issue hardly a risky proposition for Zapatero. Despite the very bitter public feud between the right and the left over the Law of Historical Memory, a public opinion survey by CIS, a government polling institute, revealed that 54 percent of Spaniards were "very much in agreement" with the adoption of "initiatives intended to recognize the victims of the Civil War and the dictatorship," with an additional 25 percent saying they were "in agreement" and 11 percent "in disagreement."

Only on the matter of territorial politics did the public show its clear disapproval of Zapatero, with many Spaniards fearing that greater autonomy for the regions would mean less capacity for the central government to manage the nation's affairs.

Undoubtedly, the most telling sign of the public's support for the second transition came in March 2008 with Zapatero's decisive reelection. After that, the PP could no longer make the argument that Zapatero was an "accidental" leader and that his government lacked legitimacy.

Zapatero, mindful of the divisiveness of his first term, promised on being reelected to govern "better and with less polarization." This has not meant losing his penchant for courting controversy. To inaugurate his second term in office, Zapatero unveiled Europe's first female-majority cabinet. Tipping the balance in favor of women was the 2008 appointment of Carmen Chacón as Spain's first-ever female minister of defense. And it was not only her gender making news. Chacón was seven months pregnant. On her inauguration, the sight of Chacón "in full womanhood," as one government official put it, leading the troops in a rousing cheer of "Viva España," came as a jolt to even the most cynical of Spaniards.

TOUGH TIMES

Zapatero has said he intends to focus on foreign policy during his second term. Among his key foreign policy priorities are pushing the EU into adopting progressive ideas in foreign aid programs (gender equality in particular), expanding Spain's military presence in Afghanistan, and "normalizing" relations with the United States—a goal now greatly facilitated by the arrival of a new administration in Washington. It is the hope of many in Spain that President Barack Obama will forge a partnership with Zapatero modeled after that of President Bush and British Prime Minister Tony Blair, one based not only on a shared philosophy of political liberalism but also on personal affinity. Zapatero and Obama share a birthday (August 4—and they were born just one year apart); and each has two daughters and a professionally accomplished spouse.

But Zapatero's foreign policy goals have already taken a back seat to economic conditions at home. After 15 years of uninterrupted economic growth, during which Spain transformed itself into one of Europe's economic powerhouses (Spain's per capita GDP now exceeds Italy's), the country has entered what looks like a major recession.

As in other industrially advanced economies, the depth of the economic crisis in Spain appears to have caught even experts by surprise. "It's an accelerated deceleration," says Zapatero's finance minister, Pedro Solbes. Although the government can take comfort in the fact that Spain was the only large EU economy to register any growth during the second quarter of 2008, the forecast for 2009 is decidedly bleak. By the government's own estimates, which many independent observers put on the optimistic side, GDP is expected to fall 1.6 percent this year, and unemployment is predicted to reach 15.9 percent.

Consequences of the slowdown are evident everywhere. The number of tourists visiting Spain in July 2008 was 8 percent lower than in the same month in 2007. Car sales plummeted 41 percent in August 2008 compared to the same month a year earlier. More than half of all real estate offices have closed, indicating how inflated the country's real estate market had been for the past decade.

Restoring growth and vitality to the Spanish economy will not be easy—at least not as easy as this task has sometimes been in the past. In the years following Franco's death, when the country experienced double-digit inflation, and during the early 1990s, when the unemployment rate hit nearly 25 percent, devaluing the peseta could be counted on as a way to jump-start the economy. Now that Spain is a full member of the euro zone, such easy fixes are no longer available.

Still, there is little doubt that Spain is better positioned today to withstand hard economic times than it was in the past. Certainly, the country is in far better economic shape than when it faced its last recession, in 1993. Between 1995 and 2004, the Spanish economy grew at an annual rate of 3.28 percent, above the EU average, and Spanish companies are stronger and more competitive than ever. The 2008 *Financial Times* ranking of the world's 500 largest corporations included 14 from Spain, almost double the number featured in the 2000 ranking. More important, democratic institutions are sturdier than ever before. This makes a democratic breakdown—the worst-case scenario during previous economic crises in the post-Franco era—unlikely and perhaps unrealistic.

In an effort to jump-start the economy, the Zapatero government has introduced a stimulus package that includes the creation of a 50 billion euro fund to purchase troubled assets from financial institutions, rewards to employers that create new jobs, investments in "green" technologies, and financial incentives to entice Spaniards to buy new automobiles. But Zapatero is also banking on politics to ensure his survival. As with other left-wing leaders, Zapatero is hoping that under times of economic duress people will want more rather than less government.

There is great irony in this expectation, since Zapatero so far has resisted the big government label typical of left-wing rule by concentrating almost exclusively on social and cultural reforms. Because of the global economic downturn, embracing a more orthodox form of socialism may well be part of the second transition after all. ■